



# Kent School District

12033 SE 256th St  
Kent, WA 98030-6503

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April 1, 2011

## Letter of Appeal

Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

### CC Docket No 02-6

**Request for Review** of Universal Service Administrative Company, Schools and Libraries Division (SLD) Administrator's Decision on Appeal, letter dated January 31, 2011, re Kent School District, Form 471 Application Number 468994

### Authorized person who can best discuss this Appeal with you

Richard Larson  
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(preferred mode of contact)

### Application Information

<u>Entity</u>	Kent School District
<u>Billed Entity Number</u>	145180
<u>Funding Year</u>	FY8 (2005-2006)
<u>Form 471 Number</u>	468994 <sup>1</sup>
<u>SPIN / Service Provider</u>	143007139 / Dimension Data No. America

FRNs	Commitment Request	Funds to be Recovered
1291465	\$105,522.51	\$92,669.92
1291501	\$141,953.22	\$128,504.88
1291530	\$111,960.10	\$99,536.79
1291555	\$305,903.04	\$260,503.63
1291575	\$92,132.99	\$80,058.30
1291598	\$109,221.68	\$97,821.64
1291616	\$120,878.67	\$108,517.64
1291634	\$91,862.67	\$78,550.05
1291654	\$108,984.59	\$96,638.78
1291675	\$139,885.89	\$119,680.12
1291695	\$95,856.96	\$83,154.68
<b>Totals</b>	<b>\$1,424,162.32</b>	<b>\$1,245,636.43</b>

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<sup>1</sup> FCC Form 471 # 468994 for funding year 7/1/2005 – 6/30/2006, posted and certified by Kent School District (Kent SD) on 2/16/2005.

Document Being Appealed: Administrator's Decision on Appeal – Funding Year 2005-2006, dated January 31, 2011, re Kent School District, Form 471 Application Number 468994<sup>2</sup>

Decision on Appeal: *Denied*

Explanation for Funding Denial: ... On appeal, the documentation provided by Kent School District included their bid evaluation score sheet. USAC has thoroughly reviewed this documentation and determined that price was not the primary factor in the vendor selection process. The scoring was incomplete because each vendor was not provided a score for each category. On January 28, 2011, USAC contacted applicant's authorized contact via fax and email and requested a bid evaluation score sheet to confirm their claim that price was primary in vendor selection. On January 28, 2011, the appellant responded with the same bid evaluation score sheet as submitted on appeal. No new information was provided during the appeal process. The vendor selected, Dimension Data was not included in the bid evaluation score sheet. Therefore, USAC correctly determined that the vendor selection process did not comply with the competitive bidding rules of the schools and libraries support mechanism. You did not demonstrate in your appeal that price was the primary factor when you selected your service provider. Consequently, the appeal is denied.

### **Appeal:**

Kent School District (Kent SD) respectfully requests that the FCC reverse SLD's decision to recover \$1,245,636.43 of funds disbursed to Kent SD for the eleven FRNs in Form 471 # 468994, listed above. Kent SD:

- affirms that its four staff members followed E-rate procedures in evaluating bids and selecting the winning bidder, Avnet Enterprise Solutions (Avnet), to include using price as the primary factor in the vendor selection process
- affirms that it followed Washington State procurement guidelines in selecting the replacement service provider, Dimension Data. This action was necessitated when Avnet could not be contacted following its acquisition by another company and was no longer able to satisfy Kent SD's selection criteria.

### **Bid evaluation and vendor selection process:**

On January 19, 2005, Kent SD's four-person team met to select a service provider for the district's Local Area Network (LAN) Networking Equipment project from bids received from three vendors: Avnet, Westel Consulting, and Ednetics. The team consisted of Kent SD employees Thuan Nguyen (then Project and Operations Manager), Judy Peterson (then Telecom Specialist), James Keele (Network Engineer), and Aaron Hanson (former Network Engineer). The team's task was to evaluate the three bids<sup>3</sup> received in response to Kent SD's Form 470 # 831520000525658 filed on December 21, 2004 (Allowable Contract Date: January 18, 2005).

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<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Richard Larson, eRate 360 Solutions (consultant for Kent School District), dated January 31, 2011, Administrator's Decision on Appeal (ADL), for 471 # 468994.

<sup>3</sup> Bid documents from Avnet, Westel Consulting, and Ednetics used in the selection meeting of 1/19/05. Note: The document from Westel Consulting bears the date of 2/14/2005, the day it was printed out for Kent SD's paper archival file. The team members accessed a Microsoft Word document which had a "current date" function in its footnote that automatically reflects the current date.

At the meeting, the team members opened, evaluated, and individually scored the three bids based upon six criteria, each listed below with its weighting points:

- 30 points: Purchase Price
- 20 points: Vendor on State Contract for Cisco Equipment
- 20 points: Vendor's past relationship with the applicant
- 10 points: Vendor reputation and years in Network business
- 10 points: Quality of the Project Management offered by the vendor
- 10 points: Vendor's certifications and knowledge of advanced technologies

The team's evaluation process was as follows:

- The team reviewed and discussed the bids to gain familiarity with the bids and to share technological knowledge of bid details.
- Each team member separately and independently evaluated the three bids against the criteria listed on the bid evaluation sheets and filled out a bid evaluation sheet.
- The evaluator wrote the name of the bidder who best fulfilled each criterion. In case of a tie more than one name was written on the evaluation sheet.
- The scoring rules required that each criterion's points to be awarded to the bid deemed best by the team member; the other two bids were awarded no points for that criterion. In case of a tie between two or more bids for a criterion, the evaluator awarded total points to each.
- Points were totaled on each evaluation sheet; highest point total determined the winning bid as determined by each evaluator.

Each member of the team has provided a sworn statement<sup>4</sup> regarding his or her role in this process and preparation on that day of a Bid Evaluation Weighting Matrix. Avnet was the clear choice of each of the four members of the team, and was subsequently awarded the contract for the LAN Networking Equipment project.

The process followed by Kent SD's vendor selection team was clearly in accord with the process presented on the SLD web site,<sup>5</sup> to include the vital provision that "Price must be the primary factor."

Contrary to the SLD explanation on the ADL, there is no requirement in the USAC's procedures to the effect that each vendor must be provided a score for each category. The only scoring methodology provided is a "*Bid Evaluation Matrix (Points Based)*" under Step 4 of the Schools and Library Applicants procedures on the SLD web site. This web page clearly states "*This example is **not mandatory** or intended to serve any other purpose than to respond to requests for guidance.*"<sup>6</sup> We are unable to find any procedures or guidelines that require a scoring algorithm that assigns points to each bid for each criterion.

Kent SD maintains that SLD's objection reveals a misunderstanding of the actual process, which was described in the appeal letter and discussed with the appeal reviewer, Timothy Curtin, by Kent SD's representative, Richard Larson, on January 28<sup>th</sup>.

Kent SD's procedure:

- Establishes six evaluation criteria.
- Sets weighting points for each criterion, with "Purchase Price" having more points assigned to it than any other criterion.
- Assigns a team to collectively and individually assess each bid against these criteria and determine which bid (or bids) best meets each criterion.

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<sup>4</sup> Notarized affidavits and Bid Evaluation Weighting Matrices from James Keele, Aaron Hanson, Judy Peterson, and Thuan Nguyen, the four members of the Kent SD evaluation team for the LAN Network Equipment project.

<sup>5</sup> Web pages from SLD site: Step 4: Select a Service Provide ("Step 4: Select the Most Cost-Effective Service Provider", "Step 4: Construct An Evaluation", and "Bid Evaluation Matrix (Points Based) SAMPLE").

<sup>6</sup> Ibid, p.3 (emphasis added)

- Assigns points for each criterion in a consistent manner to the bid which best fulfills that criterion.
- Declares the winning bid to be the bid with the most points.

Kent SD is certain that its process complies with E-rate policy that *"Applicants must construct an evaluation for consideration of bids received in response to the posting of the Form 470 that makes price the primary factor in the selection of a vendor."*<sup>7</sup>

### **Change of service provider to Dimension Data:**

In late November of 2005, Avnet Enterprise Solutions' parent company merged that operation with Calence LLC.<sup>8</sup> Subsequently, Kent SD staff was unable to contact Avnet representatives regarding the project and Avnet's new business situation.

As of that time, funding for Kent SD's LAN Networking Equipment project FRNs had not been approved, and would not be approved for almost another year, on January 17, 2007.

As discussed above, Kent SD considered contracting with a service provider who would meet the second selection criterion, *"Vendor on State Contract for Cisco Equipment,"* an important criterion, second only to price/cost effectiveness. Realizing the need for a new service provider to replace Avnet, Kent SD's considered its options:

1. Select one of the other two original bids evaluated on January 19, 2005. However, neither of the other two original bidders was acceptable:
  - o Westel's bid was based on use of refurbished equipment, not new equipment. Kent SD's technical staff was convinced that this presented an unacceptable level of risk of component failure and excessive maintenance and repair costs.
  - o Ednetic's bid was priced higher than Avnet's, and was not cost effective.

Kent SD does not accept the SLD appeal team's premise that it was obliged to select either of these bids, neither of which was acceptable as a cost-effective solution, if a more competitively priced alternative was available.

2. Select a vendor for these services from the state of Washington's master contract for these services. The services provided by the original contract, K97-MST-012, were renewed by Washington State Department of Information Services (DIS) under Master Contract number T06-MST-001, and presented a cost effective solution from vendors already approved by the state of Washington.

The prices quoted by Avnet were in accord with then-existing DIS Master Contract K97-MST-012 for Cisco Intranet Routers and Server Switches, and included Avnet as an approved vendor.<sup>9</sup> The contract number cited in Item 15b of each FRN is K97-MST-012. This contract was extended on August 12, 2005, under DIS' Master Contract T06-MST-001, which initially included Avnet as an approved vendor.<sup>10</sup>

Kent SD decided to select a service provider from the list for T06-MST-001. The SLD web site's limited guidance regarding state master contract issues refers applicants to their state

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<sup>7</sup> Ibid, p.1

<sup>8</sup> Report from CRN.com: "Avnet Strikes Another Deal, Forms New Company With Calence" dated November 30, 2005.

<sup>9</sup> DIS Contract Number K97-MST-012 for Intranet Routers and Switches, Amendments updating approved subcontractors; see p.7, Amendment Number 02-14.

<sup>10</sup> DIS Contract Number T06-MST-001 for Cisco Products and Services, Amendments updating approved subcontractors in 2006.

as the determining authority.<sup>11</sup> Because SLD's instructions on Forms 470, 471, and its web site do not have clear instructions on how to select a service provider from a state master contract list of approved vendors (confirmed by SLD's Client Service Bureau<sup>12</sup>), Kent SD appropriately relied upon Washington State guidelines provided by DIS in its "Information Technology Investment Standards," Policy No. 201-S3. This document permits Kent SD, by virtue of its Interlocal Cooperative Agreement with the State, to "*acquire IT resources without having to conduct its own competitive solicitation.*"<sup>13</sup>

On this authority, Kent SD selected an approved vendor from the SMC list,<sup>14</sup> Dimension Data, after first confirming that Dimension Data would abide by the costs which were set in the Avnet contract.

Kent SD is certain that the Commission will agree that this alternative is more cost-effective than SLD's implication that Kent SD should have accepted either Ednetic's bid with a higher purchase cost or Westel's bid with the promise of excessive maintenance costs. Kent SD followed the over-arching principle in USAC's policies: selection of the most cost effective solution, and use of "price is primary" as a first principle in its selection process.

Far from being forced to accept one of the original bids, Kent SD maintains that E-rate policies mandate that it exercise due diligence in finding a solution at least equal in cost-effectiveness rather than settling for a more costly or less-reliable solution as SLD implies in its ADL explanation.

Kent SD followed SLD procedures where available, and followed Washington State procedures where SLD guidance was unavailable. In every step, Kent SD kept price and cost effectiveness as its primary objective in deciding first to select Avnet and later to select Dimension Data as its service provider for the LAN Networking Equipment project.

#### **DIS Master Contracts were bid using the E-rated Form 470 process:**

Both the original DIS Master Contract, K97-MST-012, and the follow-up contract, T06-MST-001, were bid through Form 470 process:

- K97-MST-012 was bid using FY 1999-2000 Form 470 # 598000000266191.
- T06-MST-001 was bid using FY 2005-06 Form 470 # 184630000541506.

Kent SD was unaware of the existence of Form 470 # 598000000266191 when it filed its Form 471 # 468994; however, it is clear from the number 2 criterion on the previously discussed vendor evaluation matrix (*Vendor on State Contract for Cisco Equipment*) that Kent SD valued very highly DIS' acceptance of a vendor. We respectfully urge the Commission to consider that knowledge of this overlooked option would have permitted Kent SD to select directly from the state-approved list of vendors, following the previously discussed selection process as stated by DIS, and cite the DIS Form 470 # 598000000266191 as the establishing 470 for all eleven FRNs in Form 471 # 468994.

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<sup>11</sup> Web page from SLD site: *Step 4: Contract Guidance*

<sup>12</sup> Case # 22-119539, October 15, 2010. In a phone conversation with Richard Larson, consultant for Kent SD, SLD CSB agents stated that there were no instructions in the SLD web site, forms, or any other E-rate source instructing applicants how to select from among multiple eligible vendors listed on a state master contract, and could only provide suggestions as how such a selection might be carried out.

<sup>13</sup> Information Technology Investment Standards, prepared by the Washington State Department of Information Services (DIS), Policy No: 201-S3, effective date: December 2000, pgs. 6 and 7.

<sup>14</sup> DIS Contract Number T06-MST-001 for Cisco Products and Services, Amendments updating approved subcontractors in 2006.

Kent SD does not believe it should be punished for being unaware of a viable option; indeed, SLD, with its comprehensive knowledge of the E-rate processes, might have been expected to recognize this option during its review of the original audit or during its review of our appeal. As an applicant acting in good faith but with obviously limited knowledge of the E-rate system, Kent SD should not be left with the profound sense of having been "sandbagged" by the program administrator.

**Other Denial Reason in SLD's Commitment Adjustment Letters for the eleven FRNs in Form 471 # 468994, Issued on August 31, 2010:**

In Kent SD's November 1, 2010 appeal letter to SLD, a different denial reason from SLD's August 31, 2010 Commitment Adjustment Letters was addressed:

***"The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request."***<sup>15</sup>

This denial reason is not addressed in SLD's January 31, 2011 ADL. Kent SD assumes that SLD has accepted our refutations of this denial reason in our November 1, 2010 appeal letter,<sup>16</sup> and has dropped it. We ask the Commission to be aware that if this denial reason is raised, we maintain the validity of our refutations in the November 1<sup>st</sup> appeal letter.

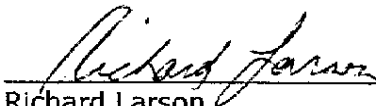
**Conclusion:**

Kent SD respectfully requests that the FCC reverse SLD's decision to recover \$1,245,636.43 of funds disbursed to Kent SD for the eleven FRNs in Form 471 # 468994, listed above. Kent SD:

- affirms that its four staff members followed E-rate procedures in evaluating bids and selecting the winning bidder, Avnet Enterprise Solutions (Avnet), to include using price as the primary factor in the vendor selection process
- affirms that it followed Washington State procurement guidelines in selecting the replacement service provider, Dimension Data. This action was necessitated when Avnet could not be contacted following its acquisition by another company and was no longer able to satisfy Kent SD's selection criteria.

Kent SD appreciates the Commission's consideration of this appeal. We are available to respond to questions or to provide any further information requested by the Commission.

**Authorized signature for this Appeal<sup>17</sup>**



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Date: 4/1/11

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<sup>15</sup> Eleven letters from Schools and Libraries Division, USAC, to Judy Peterson, Kent School District, dated August 31, 2010, entitled "Notice of Commitment Adjustment Letter," ref Form 471 Application # 468994, FY 2005.

<sup>16</sup> Letter from Richard Larson, consultant for Kent SD, to SLD, dated November 1, 2010, re: "Appeal of Funding Commitment Decision Letters – Funding Years 2005-06, 2006-07, and 2007-08, Issued on August 31, 2010", p.2.

<sup>17</sup> "Letter of Agency" from Charles W. Lind, General Counsel for Kent SD, authorizing employees of eRate 360 Solutions, LLC, to perform E-rate services on behalf of Kent SD.

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 1 - KentSD\_FY8\_471\_468994\_app-curr

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
<b>Schools and Libraries Universal Service</b> <b>Description of Services Ordered and Certification Form 471</b> <b>Estimated Average Burden Hours per Response: 4 hours</b>		
<p>This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.</p> <p><b>Please read instructions before beginning this application. (You can also file online at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a>.)</b></p> <p><b>The instructions include information on the deadlines for filing this application.</b></p>		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
Y8471.IC1		468994
<b>Block 1: Billed Entity Information</b> (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
<b>1 a</b>	Name of Billed Entity      KENT SCHOOL DISTRICT	
<b>2 a</b>	Funding Year: July 1, 2005 Through June 30: 2006      Billed Entity Number: 145180	
<b>4 a</b>	Street Address, P.O. Box, or Routing Number      12033 SE 256TH ST	
	City      KENT	
	State      WA      Zip Code 98030 6503	
<b>5 a</b>	Type of Application <input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
<b>6</b>	Contact Person's Name      Judy Peterson	
First, if the Contact Person's Street Address is the same as in Item 4, check this box. <input type="checkbox"/> If not, please complete the entries for the Street Address below.		
<b>b</b>	Street Address, P.O. Box, or Routing Number      12033 SE 256TH ST	
	City      KENT	
	State      WA      Zip Code 98030 6503	

Page 1 of 7



FCC Form 471 - November 2004

Entity Number <u>145180</u>	Applicant's Form Identifier <u>Y8471.IC1</u>
Contact Person <u>Judy Peterson</u>	Phone Number <u>253-373-7228</u>
<p>This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.</p> <p><b>Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.</b></p>	
<b>Block 2: Impact of Services Ordered on Schools</b>	
IF THIS APPLICATION INCLUDES SCHOOLS...	BEFORE ORDER      AFTER ORDER



7a Number of students to be served

27262

**NO DATA****Block 3: Impact of Services Ordered on Libraries****NOT APPLICABLE AS THIS APPLICATION IS FOR SCHOOL****Worksheet A No:** 677086**Student Count:** 458**Weighted Product (Sum. Column 8):** 366.4**Shared Discount:** N/A**1. School Name:** DANIEL ELEMENTARY SCHOOL**2. Entity Number:** 114802 **NCES:** 03960 00690**3. Rural/Urban:** Urban**4. Student Count:** 458**5. NSLP Students:** 295**6. NSLP Students/Students:** 64.410%**7. Discount:** 80%**8. Weighted Product:** 366.4**9. Pre-K/Adult Ed/Juv:** Y**10. Alt Disc Mech:** N**Worksheet A No:** 677415**Student Count:** 5557**Weighted Product (Sum. Column 8):** 4445.6**Shared Discount:** 80%**1. School Name:** EAST HILL ELEMENTARY SCHOOL**2. Entity Number:** 114801 **NCES:** 53 03960 00614**3. Rural/Urban:** Urban**4. Student Count:** 492**5. NSLP Students:** 297**6. NSLP Students/Students:** 60.365%**7. Discount:** 80%**8. Weighted Product:** 393.6**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** KENT ELEMENTARY SCHOOL**2. Entity Number:** 114816 **NCES:** 03960 619**3. Rural/Urban:** Urban**4. Student Count:** 529**5. NSLP Students:** 344**6. NSLP Students/Students:** 65.028%**7. Discount:** 80%**8. Weighted Product:** 423.2**9. Pre-K/Adult Ed/Juv:** Y**10. Alt Disc Mech:** N**1. School Name:** KENT JUNIOR HIGH SCHOOL**2. Entity Number:** 114813 **NCES:****3. Rural/Urban:** Urban**4. Student Count:** 834**5. NSLP Students:** 502**6. NSLP Students/Students:** 60.191%**7. Discount:** 80%**8. Weighted Product:** 667.2**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** MEADOW RIDGE ELEMENTARY SCHOOL**2. Entity Number:** 114807 **NCES:** 03906 1603**3. Rural/Urban:** Urban**4. Student Count:** 578**5. NSLP Students:** 345**6. NSLP Students/Students:** 59.688%**7. Discount:** 80%**8. Weighted Product:** 462.4**9. Pre-K/Adult Ed/Juv:** Y**10. Alt Disc Mech:** N**1. School Name:** NEELY-O'BRIEN ELEMENTARY SCH**2. Entity Number:** 114810 **NCES:** 03960 2309**3. Rural/Urban:** Urban**4. Student Count:** 639**5. NSLP Students:** 388**6. NSLP Students/Students:** 60.719%**7. Discount:** 80%**8. Weighted Product:** 511.2**9. Pre-K/Adult Ed/Juv:** N**10. Alt Disc Mech:** N**1. School Name:** PANTHER LAKE ELEMENTARY SCHOOL**2. Entity Number:** 114795 **NCES:** 03960 0628

3. Rural/Urban: Urban  
 4. Student Count: 480  
 7. Discount: 80%  
 9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 296  
 8. Weighted Product: 384  
 10. Alt Disc Mech: N

6. NSLP Students/Students: 61.666%

1. School Name: PARK ORCHARD ELEMENTARY SCHOOL  
 2. Entity Number: 114797 NCES: 03960 0629  
 3. Rural/Urban: Urban  
 4. Student Count: 504  
 7. Discount: 80%  
 9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 310  
 8. Weighted Product: 403.2  
 10. Alt Disc Mech: N

6. NSLP Students/Students: 61.507%

1. School Name: SCENIC HILL ELEMENTARY SCHOOL  
 2. Entity Number: 114804 NCES: 03960 0631  
 3. Rural/Urban: Urban  
 4. Student Count: 506  
 7. Discount: 80%  
 9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 326  
 8. Weighted Product: 404.8  
 10. Alt Disc Mech: N

6. NSLP Students/Students: 64.426%

1. School Name: SEQUOIA JUNIOR HIGH SCHOOL  
 2. Entity Number: 114806 NCES: 03960 0632  
 3. Rural/Urban: Urban  
 4. Student Count: 559  
 7. Discount: 80%  
 9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 344  
 8. Weighted Product: 447.2  
 10. Alt Disc Mech: N

6. NSLP Students/Students: 61.538%

1. School Name: SPRINGBROOK ELEMENTARY SCHOOL  
 2. Entity Number: 114799 NCES: 03960 0635  
 3. Rural/Urban: Urban  
 4. Student Count: 436  
 7. Discount: 80%  
 9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 254  
 8. Weighted Product: 348.8  
 10. Alt Disc Mech: N

6. NSLP Students/Students: 58.256%

#### Block 5: Discount Funding Request(s)

FRN: 1291465 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract: Y	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 1	22. Block 4 Entity Number: 114802
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 131903.14	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$131,903.14	
23i. Total program year pre-discount amount ( 23e + 23h): \$131,903.14	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$105,522.51	

FRN: 1291501 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract: Y	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 2	22. Block 4 Entity Number: 114801
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 177441.52	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$177,441.52	
23i. Total program year pre-discount amount ( 23e + 23h): \$177,441.52	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$141,953.22	

FRN: 1291530 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract: Y	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 3	22. Block 4 Entity Number: 114816
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$0.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$0.00	
23f. Annual non-recurring (one-time) charges: 139950.12	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$139,950.12	
23i. Total program year pre-discount amount ( 23e + 23h): \$139,950.12	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$111,960.10	

FRN: 1291555 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 4	22. Block 4 Entity Number: 114813

23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$.00	
23f. Annual non-recurring (one-time) charges: 382378.8	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$382,378.80	
23i. Total program year pre-discount amount ( 23e + 23h): \$382,378.80	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$305,903.04	

FRN: 1291575 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 5	22. Block 4 Entity Number: 114807
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$.00	
23f. Annual non-recurring (one-time) charges: 115166.24	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$115,166.24	
23i. Total program year pre-discount amount ( 23e + 23h): \$115,166.24	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$92,132.99	

FRN: 1291598 FCDL Date: 01/17/2007	
10. Original FRN:	
11. Category of Service: Internal Connections	12. 470 Application Number: 831520000525658
13. SPIN: 143007139	14. Service Provider Name: Dimension Data North America, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: #K97-MST-012
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 1012581 Vendor No.	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/18/2005	18. Contract Award Date: 02/14/2005
19a. Service Start Date: 07/01/2005	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: 6	22. Block 4 Entity Number: 114810
23a. Monthly Charges: \$.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$.00	
23f. Annual non-recurring (one-time) charges: 136527.1	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$136,527.10	
23i. Total program year pre-discount amount ( 23e + 23h): \$136,527.10	
23j. % discount (from Block 4): 80	
23k. Funding Commitment Request ( 23i x 23j): \$109,221.68	

FRN: 1291616 FCDL Date: 01/17/2007	
10. Original FRN:	

<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 831520000525658
<b>13. SPIN:</b> 143007139	<b>14. Service Provider Name:</b> Dimension Data North America, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b>	<b>15b. Contract Number:</b> #K97-MST-012
<b>15c. Covered under State Master Contract:</b>	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> 1012581 Vendor No.	<b>16b. Multiple Billing Account Numbers?:</b>
<b>17. Allowable Contract Date:</b> 01/18/2005	<b>18. Contract Award Date:</b> 02/14/2005
<b>19a. Service Start Date:</b> 07/01/2005	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2006	
<b>21. Attachment #:</b> 7	<b>22. Block 4 Entity Number:</b> 114795
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 151098.34	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$151,098.34	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$151,098.34	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$120,878.67	

<b>FRN:</b> 1291634 <b>FCDL Date:</b> 01/17/2007	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 831520000525658
<b>13. SPIN:</b> 143007139	<b>14. Service Provider Name:</b> Dimension Data North America, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b>	<b>15b. Contract Number:</b> #K97-MST-012
<b>15c. Covered under State Master Contract:</b>	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> 1012581 Vendor No.	<b>16b. Multiple Billing Account Numbers?:</b>
<b>17. Allowable Contract Date:</b> 01/18/2005	<b>18. Contract Award Date:</b> 02/14/2005
<b>19a. Service Start Date:</b> 07/01/2005	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2006	
<b>21. Attachment #:</b> 8	<b>22. Block 4 Entity Number:</b> 114797
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 114828.34	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$114,828.34	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$114,828.34	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$91,862.67	

<b>FRN:</b> 1291654 <b>FCDL Date:</b> 01/17/2007	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 831520000525658
<b>13. SPIN:</b> 143007139	<b>14. Service Provider Name:</b> Dimension Data North America, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b>	<b>15b. Contract Number:</b> #K97-MST-012
<b>15c. Covered under State Master Contract:</b>	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> 1012581 Vendor No.	<b>16b. Multiple Billing Account Numbers?:</b>
<b>17. Allowable Contract Date:</b> 01/18/2005	<b>18. Contract Award Date:</b> 02/14/2005
<b>19a. Service Start Date:</b> 07/01/2005	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2006	
<b>21. Attachment #:</b> 9	<b>22. Block 4 Entity Number:</b> 114804
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12

<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 136230.74	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$136,230.74	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$136,230.74	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$108,984.59	

FRN: 1291675      FCDL Date: 01/17/2007	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 831520000525658
<b>13. SPIN:</b> 143007139	<b>14. Service Provider Name:</b> Dimension Data North America, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b>	<b>15b. Contract Number:</b> #K97-MST-012
<b>15c. Covered under State Master Contract:</b>	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> 1012581 Vendor No.	<b>16b. Multiple Billing Account Numbers?:</b>
<b>17. Allowable Contract Date:</b> 01/18/2005	<b>18. Contract Award Date:</b> 02/14/2005
<b>19a. Service Start Date:</b> 07/01/2005	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2006	
<b>21. Attachment #:</b> 10	<b>22. Block 4 Entity Number:</b> 114806
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 174857.36	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$174,857.36	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$174,857.36	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$139,885.89	

FRN: 1291695      FCDL Date: 01/17/2007	
<b>10. Original FRN:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 831520000525658
<b>13. SPIN:</b> 143007139	<b>14. Service Provider Name:</b> Dimension Data North America, Inc.
<b>15a. Non-Contracted tariffed/Month to Month Service:</b>	<b>15b. Contract Number:</b> #K97-MST-012
<b>15c. Covered under State Master Contract:</b>	<b>15d. FRN from Previous Year:</b>
<b>16a. Billing Account Number:</b> 1012581 Vendor No.	<b>16b. Multiple Billing Account Numbers?:</b>
<b>17. Allowable Contract Date:</b> 01/18/2005	<b>18. Contract Award Date:</b> 02/14/2005
<b>19a. Service Start Date:</b> 07/01/2005	<b>19b. Service End Date:</b>
<b>20. Contract Expiration Date:</b> 06/30/2006	
<b>21. Attachment #:</b> 11	<b>22. Block 4 Entity Number:</b> 114799
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00	
<b>23f. Annual non-recurring (one-time) charges:</b> 119821.2	<b>23g. Ineligible non-recurring amt.:</b> 0
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$119,821.20	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$119,821.20	
<b>23j. % discount (from Block 4):</b> 80	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$95,856.96	

Block 6: Certifications and Signature

Do not write in this area.

Application ID:468994

Entity Number	<u>145180</u>	Applicant's Form Identifier	<u>Y8471.IC1</u>
Contact Person	<u>Judy Peterson</u>	Phone Number	<u>253-373-7228</u>

**Block 6: Certifications and Signature**

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23l on all Block 5 Discount Funding Requests.)	\$1,780,202.90
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$1,424,162.32
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$356,040.58
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$356,040.58
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/16/2005

**The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering



services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

**Please submit this form to:**

**SLD-Form 471  
P.O. Box 7026  
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,  
mail this form to:**

**SLD Forms  
ATTN: SLD Form 471  
3833 Greenway Drive  
Lawrence, Kansas 66046  
(888) 203-8100**

Print

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Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 2 - KentSD\_FY8\_Appeal\_ADL\_1-31-11



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2005-2006**

January 31, 2011

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 130E  
Parsippany, NJ 07054

Re: Applicant Name: KENT SCHOOL DISTRICT  
Billed Entity Number: 145180  
Form 471 Application Number: 468994  
Funding Request Number(s): 1291465, 1291501, 1291530, 1291555, 1291575,  
1291598, 1291616, 1291634, 1291654, 1291675,  
1291695  
Your Correspondence Dated: November 01, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1291465, 1291501, 1291530, 1291555, 1291575,  
1291598, 1291616, 1291634, 1291654, 1291675,  
1291695

Decision on Appeal: **Denied**  
Explanation:

- During the appeal review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. The record shows that during an audit review of Kent School District's it was determined that price was not primary during vendor selection. On appeal, the documentation provided by Kent School District included their bid evaluation score sheet. USAC has thoroughly reviewed this documentation and determined that price was not the primary factor in the vendor selection process. The scoring was incomplete because each vendor was not provided a score for each category. On January 28, 2011, USAC contacted applicant's authorized contact via fax and email,

Richard Larson and requested a bid evaluation score sheet to confirm their claim that price was primary in vendor selection. On January 28, 2011, the appellant responded with the same bid evaluation score sheet as submitted on appeal. No new information was provided during the appeal process. The vendor selected, Dimension Data was not included in the bid evaluation score sheet. Therefore, USAC correctly determined that the vendor selection process did not comply with the competitive bidding rules of the schools and libraries support mechanism. You did not demonstrate in your appeal that price was the primary factor when you selected your service provider. Consequently, the appeal is denied.

- SLD's review of your Form 471 application determined that price was not the primary factor when you selected your service provider. Since you did not demonstrate in your appeal that price was the primary factor when you selected your service provider, SLD denies your appeal.
- FCC rules require that applicants select the most cost-effective products offering with price being the primary factor. 47 C.F.R. § 54.511(a). Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. 47 C.F.R. § 54.511(a); *Request for Review by Ysleta Independent School District, et. al., Federal State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, FCC 03-313 ¶ 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. See Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, *Public Notice*, 13 FCC Rcd. 16,570, DA 98-1110 (rel. Jun. 11, 1998).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Judy Peterson

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 130E  
Parsippany, NJ 07054

Billed Entity Number: 145180  
Form 471 Application Number: 468994  
Form 486 Application Number:

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 3 - KentSD\_FY8\_Bid-documents-for-network-eqp

Kent School District  
E-Rate Form 470# 831520000525658



*Official Bid*



Product	Description	Quantity	Discount	Price	Extended
<b>Catalyst 3750G-48PS-S Switches - 10/100/1000</b>					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP Standard Image	130	35	\$ 15,494.00	\$ 1,248,816.40
CAB-STACK-50CM=	Cisco StackWise 50CM Stacking Cable	130		\$ -	
CAB-16AWG-AC	AC Power cord, 16AWG	130		\$ -	
CON-SNT-3750G48P	SMARTNET 8X5XNBD Cat 3750 48 10/100/1000T PoE + 4 S	130	100		\$ -
					<b>\$ 1,248,816.40</b>
<b>Catalyst 3750G-12S-S SFP Ports Switches - 10/100</b>					
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	5	35	\$ 7,995.00	\$ 24,784.50
CAB-STACK-50CM=	Cisco StackWise 50CM Stacking Cable	5		\$ -	
CAB-16AWG-AC	AC Power cord, 16AWG	5		\$ -	
CON-SNT-3750G-12S	SMARTNET 8X5XNBD Catalyst 3750 48 10/	5	100		\$ -
					<b>\$ 24,784.50</b>
<b>SFP GBICs</b>					
GLC-SX-MM=	GE SFP, LC connector SX transceiver	110	35	\$ 500.00	\$ 34,100.00
<b>Catalyst 2950SX-48</b>					
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports, Standard Image	60	35	\$ 3,993.00	\$ 148,539.60
CAB-AC	AC Power cord	60			
CON-SNT-2950SX	SMARTNET 8X5XNBD Catalyst 2950SX	60	100		
					<b>\$ 148,539.60</b>
<b>Access Point 1232</b>					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	340	35	\$ 999.00	\$ 210,589.20
AIR-PWR-CORD-NA	AIR Line Cord North America	340		\$ -	\$ -
S12W7K9-12302JA	Cisco 1200 Series IOS WIRELESS LAN	340		\$ -	\$ -
CON-SNT-AP1AGAK9	SMARTNET 8X5XNBD 802.11a/g dual radio	340	100		
					<b>\$ 210,589.20</b>
<b>Access Point Antenna</b>					
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	340	35	\$ 279.00	\$ 58,813.20
<b>XENPAK 10GB</b>					
XENPAK-10GB-LR	10GBASE-LR XENPAK Module	22	35	\$ 4,000.00	\$ 54,560.00
<b>TOTAL</b>					<b>\$ 1,780,202.90</b>



**Kent School District - c/o Judy Peterson**

12033 SE 256th Street  
 Kent, WA 98030-6503  
 253-373-7228 • Fax 253-373-7051  
 judy.peterson@kent.k12.wa.us

Qty	Part Number	Description	Education Price	Extended Education	Kent SD Each	Kent SD Sell Totals	Availability 02/11/200
340	AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	\$ 649.35	\$ 220,779.00	\$ 626.37	\$ 212,966.82	N/A
340	CON-SNT-PKG1	Virtual Token 8X5XNBD Package 1 Standard Smartnet	\$ -	\$ -	Included	Included	
130	AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect	\$ 181.35	\$ 23,575.50	\$ 174.93	\$ 22,741.29	N/A
130	WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP Standard Image	\$ 10,071.75	\$ 1,309,327.50	\$ 9,715.37	\$ 1,262,997.45	N/A
130	CON-SNT-PKG9	Virtual Token 8X5XNBD Package 9 Standard Smartnet	\$ -	\$ -	Included	Included	
60	WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports, Standard Image	\$ 2,596.75	\$ 155,805.00	\$ 2,504.87	\$ 150,291.90	N/A
60	CON-SNT-PKG3	Virtual Token 8X5XNBD Package 3 Standard Smartnet	\$ -	\$ -	\$ -	\$ -	
5	WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	\$ 5,196.75	\$ 25,983.75	\$ 5,012.87	\$ 25,064.33	N/A
5	CON-SNT-PKG8	Virtual Token 8X5XNBD Package 8 Standard Smartnet	\$ -	\$ -	Included	Included	
22	XENPAK-10GB-LR=	10GBASE-LR XENPAK module	\$ 2,600.00	\$ 57,200.00	\$ 2,508.00	\$ 55,176.00	N/A
110	GLC-SX-MM=	GE SFP, LC connector SX transceiver	\$ 325.00	\$ 35,750.00	\$ 313.50	\$ 34,485.00	N/A
<b>REFURBISHED EQUIPMENT*</b>							
	AIR-ANT5959-RF	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect - REFURBISHED - NONCANCELABLE - NO RETURNS	\$ -	\$ -	\$ 119.13	\$ -	0
	WS-C2950SX-48-SI-RF	48 10/100 and 2 1000BASE-SX uplink ports, Standard Image - REFURBISHED - NONCANCELABLE - NO RETURNS	\$ -		\$ 1,940.57	\$ -	19
	WS-C3750G-12S-S-RF	Catalyst 3750 12 SFP Standard Multilayer Image - REFURBISHED - NONCANCELABLE - NO RETURNS	\$ -	\$ -	\$ 3,886.15	\$ -	35
Special Terms and Conditions: All equipment must be ordered at the same time. Substitutions are permissible if it does not reduce the total value of the purchase order. Cancellations and returns are subject to a 25% restocking fee.							
<b>TOTALS</b>				\$ 1,828,420.75		\$ 1,763,722.79	
<b>Sales Tax</b>			8.80%	\$ 160,901.03		\$ 155,207.61	
				\$ 1,989,321.78		\$ 1,918,930.39	

Difference Price \$(70,391.39)

\* Refurbished equipment is subject to availability





11715 SE 5th Street  
Suite 206  
Bellevue, WA 98005

Tel (208) 777-4709  
Fax (208) 777-4708

**Kent School District**

**ERATE YR8 Y8470/.4**

January 18, 2004

**Prepared For**

Thuan Nguyen

Project and Operations Manager  
Kent School District

Tel (253) 373-7019

**Proposal Number**  
WA415-011805-1

**SPIN**  
143008534

**WA State Contract**  
K97-MST-012

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**Summary**

<b>DANIEL ELEMENTARY</b>		
Switch Equipment	\$	119,356.65
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>141,994.88</b>
<b>EAST HILL</b>		
Switch Equipment	\$	168,909.82
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>191,548.05</b>
<b>KENT ELEMENTARY</b>		
Switch Equipment	\$	128,115.81
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>150,754.04</b>
<b>MILL CREEK</b>		
Switch Equipment	\$	316,884.68
10GE Modules	\$	5,396.48
Wireless Equipment	\$	100,864.26
<b>Total</b>	<b>\$</b>	<b>423,145.42</b>
<b>MEADOW RIDGE</b>		
Switch Equipment	\$	101,146.90
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>123,785.13</b>
<b>NEELY O'BRIEN</b>		
Switch Equipment	\$	124,395.61
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>147,033.84</b>
<b>PANTHER LAKE</b>		
Switch Equipment	\$	139,910.49
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>162,548.72</b>

**Summary**

<b>PARK ORCHARD</b>		
Switch Equipment	\$	98,114.75
10GE Modules	\$	5,396.48
Wireless Equipment	\$	19,828.02
<b>Total</b>	<b>\$</b>	<b>123,339.25</b>
<b>SCENIC HILL</b>		
Switch Equipment	\$	124,068.45
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>146,706.68</b>
<b>SEQUOIA</b>		
Switch Equipment	\$	147,330.65
10GE Modules	\$	5,396.48
Wireless Equipment	\$	34,483.51
<b>Total</b>	<b>\$</b>	<b>187,210.64</b>
<b>SPRINGBROOK</b>		
Switch Equipment	\$	105,872.19
10GE Modules	\$	5,396.48
Wireless Equipment	\$	17,241.75
<b>Total</b>	<b>\$</b>	<b>128,510.42</b>
<b>PROPOSAL TOTAL</b>		<b>\$ 1,926,577.07</b>

### Daniel Elementary School

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	11	\$	9,606.90	\$ 105,675.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	1	\$	2,476.90	\$ 2,476.90
GLC-SX-MM	GE SFP, LC connector SX transceiver	5	\$	310.00	\$ 1,550.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	11	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	1	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	9,653.85
				<b>Subtotal</b>	<b>\$ 119,356.65</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 141,994.88</b>

**East Hill Elementary School**

<b>SWITCH EQUIPMENT</b>					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	14	\$	9,606.90	\$ 134,496.60
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	1	\$	4,956.90	\$ 4,956.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	5	\$	2,476.90	\$ 12,384.50
GLC-SX-MM	GE SFP, LC connector SX transceiver	11	\$	310.00	\$ 3,410.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	14	\$	-	\$ -
CON-SNT-PKG8	FREE! 1YR 8X5XNBD Smartnet Cat 8 (\$750.00 Value)	1	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	5	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 13,661.82
				<b>Subtotal</b>	<b>\$ 168,909.82</b>
<b>10GE MODULES</b>					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)					\$ 436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
<b>WIRELESS EQUIPMENT</b>					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 191,548.06</b>



## Kent Elementary School

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	11	\$	9,606.90	\$ 105,675.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	4	\$	2,476.90	\$ 9,907.60
GLC-SX-MM	GE SFP, LC connector SX transceiver	7	\$	310.00	\$ 2,170.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	11	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	4	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 10,362.31
				<b>Subtotal</b>	<b>\$ 128,115.81</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)					\$ 436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 150,754.04</b>

## Mill Creek

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	23	\$	9,606.90	\$ 220,958.70
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	24	\$	2,476.90	\$ 59,445.60
GLC-SX-MM	GE SFP, LC connector SX transceiver	35	\$	310.00	\$ 10,850.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	23	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	24	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	25,630.38
				<b>Subtotal</b>	<b>\$ 316,884.68</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	117	\$	619.38	\$ 72,467.46
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	117	\$	172.98	\$ 20,238.66
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	117	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	8,158.14
				<b>Subtotal</b>	<b>\$ 100,864.26</b>
				<b>TOTAL</b>	<b>\$ 423,145.42</b>



**Meadow Ridge**

<b>SWITCH EQUIPMENT</b>					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	9	\$	9,606.90	\$ 86,462.10
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	2	\$	2,476.90	\$ 4,953.80
GLC-SX-MM	GE SFP, LC connector SX transceiver	5	\$	310.00	\$ 1,550.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	9	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	2	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	8,181.00
				<b>Subtotal</b>	<b>\$ 101,146.90</b>
<b>10GE MODULES</b>					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
<b>WIRELESS EQUIPMENT</b>					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 123,785.13</b>

## Neely O'Brien

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	9	\$	9,606.90	\$ 86,462.10
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	1	\$	4,956.90	\$ 4,956.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	8	\$	2,476.90	\$ 19,815.20
GLC-SX-MM	GE SFP, LC connector SX transceiver	10	\$	310.00	\$ 3,100.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	9	\$	-	\$ -
CON-SNT-PKG8	FREE! 1YR 8X5XNBD Smartnet Cat 8 (\$750.00 Value)	1	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	8	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	10,061.41
				<b>Subtotal</b>	<b>\$ 124,395.61</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 147,033.84</b>

## Panther Lake

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	11	\$	9,606.90	\$ 105,675.90
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	1	\$	4,956.90	\$ 4,956.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	6	\$	2,476.90	\$ 14,861.40
GLC-SX-MM	GE SFP, LC connector SX transceiver	10	\$	310.00	\$ 3,100.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	11	\$	-	\$ -
CON-SNT-PKG8	FREE! 1YR 8X5XNBD Smartnet Cat 8 (\$750.00 Value)	1	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	6	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	11,316.29
				<b>Subtotal</b>	<b>\$ 139,910.49</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 162,548.72</b>

## Park Orchard

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	9	\$	9,606.90	\$ 86,462.10
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	1	\$	2,476.90	\$ 2,476.90
GLC-SX-MM	GE SFP, LC connector SX transceiver	4	\$	310.00	\$ 1,240.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	9	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	1	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 7,935.75
				<b>Subtotal</b>	<b>\$ 98,114.75</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)					\$ 436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	23	\$	619.38	\$ 14,245.74
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	23	\$	172.98	\$ 3,978.54
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	23	\$	-	\$ -
STATE / COUNTY TAX (8.8%)					\$ 1,603.74
				<b>Subtotal</b>	<b>\$ 19,828.02</b>
				<b>TOTAL</b>	<b>\$ 123,339.25</b>



## Scenic Hill

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	10	\$	9,606.90	\$ 96,069.00
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	1	\$	4,956.90	\$ 4,956.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	4	\$	2,476.90	\$ 9,907.60
GLC-SX-MM	GE SFP, LC connector SX transceiver	10	\$	310.00	\$ 3,100.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	10	\$	-	\$ -
CON-SNT-PKG8	FREE! 1YR 8X5XNBD Smartnet Cat 8 (\$750.00 Value)	1	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	4	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	10,034.95
				<b>Subtotal</b>	<b>\$ 124,068.45</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 146,706.68</b>

## Sequoia

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	12	\$	9,606.90	\$ 115,282.80
WS-C3750G-12S-S	Catalyst 3750 12 SFP Standard Multilayer Image	1	\$	4,956.90	\$ 4,956.90
WS-C2950SX-48-SI	48 10/100 and 2 1000BASE-SX uplink ports	5	\$	2,476.90	\$ 12,384.50
GLC-SX-MM	GE SFP, LC connector SX transceiver	9	\$	310.00	\$ 2,790.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	12	\$	-	\$ -
CON-SNT-PKG8	FREE! 1YR 8X5XNBD Smartnet Cat 8 (\$750.00 Value)	1	\$	-	\$ -
CON-SNT-PKG3	FREE! 1YR 8X5XNBD Smartnet Cat 3 (\$175.00 Value)	5	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	11,916.45
				<b>Subtotal</b>	<b>\$ 147,330.65</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	40	\$	619.38	\$ 24,775.20
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	40	\$	172.98	\$ 6,919.20
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	40	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	2,789.11
				<b>Subtotal</b>	<b>\$ 34,483.51</b>
				<b>TOTAL</b>	<b>\$ 187,210.64</b>

**Springbrook**

SWITCH EQUIPMENT					
WS-C3750G-48PS-S	Catalyst 3750 48 10/100/1000T PoE + 4 SFP	10	\$	9,606.90	\$ 96,069.00
GLC-SX-MM	GE SFP, LC connector SX transceiver	4	\$	310.00	\$ 1,240.00
CON-SNT-PKG9	FREE! 1YR 8X5XNBD Smartnet Cat 9 (\$910.00 Value)	10	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	8,563.19
				<b>Subtotal</b>	<b>\$ 105,872.19</b>
10GE MODULES					
XENPAK-10GB-LR=	10GBASE-LR XENPAK MODULE	2	\$	2,480.00	\$ 4,960.00
STATE / COUNTY TAX (8.8%)				\$	436.48
				<b>Subtotal</b>	<b>\$ 5,396.48</b>
WIRELESS EQUIPMENT					
AIR-AP1232AG-A-K9	802.11a/g dual radio IOS AP1200, FCC cfg	20	\$	619.38	\$ 12,387.60
AIR-ANT5959	2.4 GHz ,2 dBi Divers. Omni Ceiling Ant. w/ RP-TNC Connect.	20	\$	172.98	\$ 3,459.60
CON-SNT-PKG1	FREE! 1YR 8X5XNBD Smartnet Cat 1 (\$75.00 Value)	20	\$	-	\$ -
STATE / COUNTY TAX (8.8%)				\$	1,394.55
				<b>Subtotal</b>	<b>\$ 17,241.75</b>
				<b>TOTAL</b>	<b>\$ 128,510.43</b>

## **Terms and Conditions**

### **PAYMENT TERMS**

All products and materials will be invoiced upon delivery. Customer will be invoiced for service and installation upon acceptance of completion unless otherwise stated. Payment terms are net 60 days. Payments that are past due may be charged 1.5% interest monthly.

Ednetics will invoice SLD directly for all approved erate funding. If payment from SLD exceeds 90 days, the district will be liable for all payment of products and services that have been delivered to the district.

### **CHANGE ORDER**

If changes are required during the course of a project, a change order will be provided and work will continue upon agreement and execution of the change order.

### **EXCLUSIONS**

Any part, material, service or item not explicitly included in this document is excluded from this proposal.

Prices do not include applicable taxes, insurance, or third party setup fees, services or materials unless specifically stated. Prices are guaranteed for 30 days from the proposal date. Supply is subject to availability.

### **SUBSTITUTIONS**

Ednetics or school district may substitute equipment listed in this proposal with the following conditions.

1. Any equipment substitution must meet erate eligibility requirements as outlined by the SLD.
2. Substitutions must be of the same product type and be used to fulfill the same purpose.
3. Any substitutions must be approved by both Ednetics and the school district.
3. Equipment substitutions may increase equipment, installation and support costs. Any increase in costs will be the sole responsibility of the school district.

### **GENERAL**

Ednetics shall not be liable for damages to materials arising from causes beyond its reasonable control.

Ednetics shall not be liable for typographical errors that may be contained in this proposal. All typographical errors are subject to correction.

Ednetics shall not be liable for bodily injury arising from causes beyond its reasonable control.

Access will be provided in a timely manner to all facilities where work is requested. Delays and/or interruptions resulting from lack of access may result in additional charges.

All information contained in this proposal is considered proprietary and confidential and should not be disclosed to persons or organizations that are not involved in the approval process.

There are no shipping charges unless otherwise stated.

**Acceptance of this proposal is considered binding upon Erate approval and availability of district funds.**

Thank you for considering Ednetics for your school's technology needs. If you have any questions, please contact Shawn Swanby at 208-777-4709.

Thank You,

Shawn Swanby  
President

Date





## Acceptance

To accept this proposal, please return an original signed copy of the entire document to Ednetics. You may fax a signed signature page ahead of the original. By signing the acceptance of this proposal, the Kent School District agrees to all terms and conditions as stated.

### ACCEPTANCE OF PROPOSAL

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name / Title

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 4 - KentSD\_FY8\_Affidavits-w-evaluation-matrices

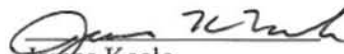
SWORN STATEMENT OF James Keele

To the best of my knowledge, on January 19, 2005, I filled out the attached Internal Connections Bid Evaluation form. In reviewing the three companies (Westel, Avnet and Ednetics) I had no prior knowledge of a donation from Avnet to the Kent School District of wireless equipment on January 26, 2005. As far as I remember, I was made aware of this much later and after I completed my evaluation of Avnet.

I evaluated Avnet based upon the following criteria, listed by order of importance: (1) Purchase Price; (2) Vendor on State Contract for Cisco Equipment; (3) Vendor's past relationship with the applicant; (4) Vendor reputation and years in the Network business; (5) Quality of the Project Management offered by the vendor; and (6) Vendor's certifications and knowledge of advanced technologies. These criteria were weighted based on a point system, which is detailed in the attached Bid Evaluation. Avnet received the most points due to being on the State Master Contract, past relations and familiarity with the District, reputation and years in the networking business, quality of project management, and certifications and knowledge of advanced technologies.

I declare under penalty of perjury under the laws of the State of Washington and of the United States that the foregoing is true and correct.

Dated this 1 day of Nov., 2010.

  
James Keele

STATE OF WASHINGTON                    )  
  )  
COUNTY OF King                            )

I certify that I know or have satisfactory evidence that James Keele is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes stated herein.

DATED. November 1, 2010

SWORN AND SUBSCRIBED ON

November 1, 2010  
Colleen D. Kelly  
Notary Public in and for the State of  
Washington, residing at Renton  
My commission expires 1/19/2014



## E-Rate Form 471 Internal Connections Bid Evaluation

Weighting Matrix (total 100 points)

Purchase Price - 30 points

WESTEL

Vendor on State Contract for Cisco Equipment - 20 points

AVNET

EDNETICS

Vendor's past relationship with the applicant - 20 points

AVNET

Vendor reputation and years in the Network business - 10 points

AVNET

Quality of the Project Management offered by the vendor - 10 points

AVNET

Vendor's certifications and knowledge of advanced technologies - 10 points

AVNET

James Keele

SWORN STATEMENT OF Aaron W. Hanson

To the best of my knowledge, I completed the attached Internal Connections Bid Evaluation form between Westel, Avnet, and Ednetics on January 19, 2005. I evaluated Avnet based upon the following criteria, listed by order of importance: (1) Purchase Price; (2) Vendor on State Contract for Cisco Equipment; (3) Vendor's past relationship with the applicant; (4) Vendor reputation and years in the Network business; (5) Quality of the Project Management offered by the vendor; and (6) Vendor's certifications and knowledge of advanced technologies. These criteria were weighted based on a point system, which is detailed in the attached Bid Evaluation. Avnet was selected because it scored the most points on the second, third, fourth, fifth, and sixth criteria and because Avnet used State Master Contract pricing.

I did not learn of the donation made by Avnet on January 26th, 2005 to the Kent School District until October 28th, 2010.

On April 27, 2007, Dimension Data was chosen because they were on our State Master Contract and followed our state procurement guidelines. The State of Washington Master Contract does not require a secondary vendor selection process for those vendors listed on the State Master Contract.

I declare under penalty of perjury under the laws of the State of Washington and of the United States that the foregoing is true and correct.

Dated this 1<sup>st</sup> day of November, 2010.

  
Aaron W. Hanson

STATE OF WASHINGTON                    )  
  )  
COUNTY OF King                    )

I certify that I know or have satisfactory evidence that Aaron Hanson is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes stated herein.

DATED. November 1, 2010

SWORN AND SUBSCRIBED ON

November 1, 2010

Colleen D. Kelly  
Notary Public in and for the State of  
Washington, residing at Renton

My commission expires 1/19/2014





## E-Rate Form 471 Internal Connections Bid Evaluation

Weighting Matrix (total 100 points)

Purchase Price - 30 points

~~Avnet~~ Westel  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vendor on State Contract for Cisco Equipment - 20 points

Avnet  
Ednetics  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vendor's past relationship with the applicant - 20 points

Avnet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vendor reputation and years in the Network business - 10 points

Avnet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Quality of the Project Management offered by the vendor - 10 points

Avnet - on site project manager  
Ednetics - Very hands-on + responsive to inquiries  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vendor's certifications and knowledge of advanced technologies - 10 points

Avnet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Westel - 30

Avnet - 70

Ednetics - 30

Aaron Hanson

SWORN STATEMENT OF Judy K. Peterson

To the best of my knowledge, I completed the attached Internal Connections Bid Evaluation form on January 19, 2005. I carefully reviewed the three vendors, Westel, Ednetics and Avnet.

I evaluated Avnet based upon the following criteria, listed by order of importance: (1) Purchase Price; (2) Vendor on State Contract for Cisco Equipment; (3) Vendor's past relationship with the applicant; (4) Vendor reputation and years in the Network business; (5) Quality of the Project Management offered by the vendor; and (6) Vendor's certifications and knowledge of advanced technologies. These criteria were weighted based on a point system, which is detailed in the attached Bid Evaluation.

I was not aware of the Avnet donation on January 26, 2005, until we were audited by Moss Adams in 2009 and they brought it to my attention.

On April 27, 2007, I chose Dimension Data because they were on the State Master Contract and followed our state procurement guidelines. The State of Washington Master Contract does not require a secondary vendor selection process for those vendors listed on the State Master Contract. I had no knowledge of any other procedure spelled out in the E-Rate guidelines that requires a secondary vendor selection process and the District has since confirmed with the SLD Help Desk that there is none.

I declare under penalty of perjury under the laws of the State of Washington and of the United States that the foregoing is true and correct.

Dated this 1 day of November, 2010.

Judy K. Peterson  
Judy K. Peterson

STATE OF WASHINGTON    )  
  )  
COUNTY OF King        )

I certify that I know or have satisfactory evidence that Judy Peterson is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes stated herein.

DATED. November 1, 2010

SWORN AND SUBSCRIBED ON November 1, 2010

Colleen D. Kelly  
Notary Public in and for the State of  
Washington, residing at Renton

My commission expires 1/19/2014



AVNET 70

## E-Rate Form 471 Internal Connections Bid Evaluation

Weighting Matrix (total 100 points)

Purchase Price - 30 points

AVNET WESTEL 30

Vendor on State Contract for Cisco Equipment - 20 points

AVNET 20 EDNETICS 20

Vendor's past relationship with the applicant - 20 points

AVNET 20

good working relationship. responsive and thorough.

Vendor reputation and years in the Network business - 10 points

AVNET 10

very experienced -

Quality of the Project Management offered by the vendor - 10 points

AVNET 10

Vendor's certifications and knowledge of advanced technologies - 10 points

AVNET 10

AVNET 70

EDNETICS 20

WESTEL 30

Judy Peterson



October 28, 2010

SWORN STATEMENT OF Thuan Nguyen

I completed the E-Rate Form 471 Internal Connections Bid Evaluation ("Bid Evaluation") attached hereto. The handwriting on the Bid Evaluation is mine and reflects my evaluation and opinion at the time the evaluation was made in 2005. To the best of my knowledge and recollection, I completed the Bid Evaluation on January 19, 2005, at our evaluation team meeting.

At the time of the evaluation, I was aware that Avnet had made, or was contemplating making, a donation of wireless equipment to the Kent School District. This knowledge did not impact or influence, to any extent, my evaluation of Avnet or the other bidders. I did not discuss or share this knowledge with any of the other evaluators during the evaluation process.

The District was working on a District-wide wireless project during this same time period and the intended purpose of the donated equipment was to allow the District an opportunity to test and evaluate Cisco's latest wireless technology offering in a few of our elementary schools. Within five months of the Board's acceptance of the donation, the District decided on a different wireless technology and purchased around 800 of these new access points. For compatibility and standardization purposes, the 57 donated access points were removed and replaced with the new wireless access points before September of 2005.

I evaluated Avnet based upon the following criteria, listed by order of importance: (1) Purchase Price; (2) Vendor on State Contract for Cisco Equipment; (3) Vendor's past relationship with the applicant; (4) Vendor reputation and years in the Network business; (5) Quality of the Project Management offered by the vendor; and (6) Vendor's certifications and knowledge of advanced technologies. These criteria were weighted based on a point system, which is detailed in the attached Bid Evaluation.

At the time of the evaluation, I was aware that Avnet Enterprise Solutions was on the Washington State Master Contract.

Ultimately, though Avnet ranked highest in the evaluation process, by the time the Kent School District's E-Rate application was approved by USAC in 2007, Avnet Enterprise Solutions had changed ownership and was no longer available to meet the District's needs. Thus, the Kent School District never purchased equipment from Avnet in connection with the Bid Evaluation.

Because Avnet Enterprise Solutions was not available, the Kent School District selected Dimension Data, another contractor listed on the Washington State Master Contract. Use of the Master Contract allows the District to select a vendor from the Master Contract without completing a formal bid process, as the Master Contract imposes several criteria, including competitive pricing, and fully satisfies Washington State's procurement rules and regulations. The District's selection of Dimension Data was fully compliant with Washington law.

Moreover, the State Master Contracts the District utilized to select both Avnet and, later, Dimension Data both used the E-Rate 470 process. I have confirmed that such is the case both through research and through consultation with the Washington State Department of Information Services, which issued the Master Contracts in question. Thus, the District's use of the Master Contracts satisfied both Washington law and E-Rate guidelines with respect to selection of both vendors.

I declare under penalty of perjury under the laws of the State of Washington and of the United States that the foregoing is true and correct.

Dated this 1 day of 10, 2010.

Thuan Nguyen  
THUAN NGUYEN

STATE OF WASHINGTON )

COUNTY OF King )

I certify that I know or have satisfactory evidence that Thuan Nguyen is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes stated herein.

DATED. November 1, 2010

SWORN AND SUBSCRIBED ON November 1, 2010

Colleen D. Kelly  
Notary Public in and for the State of  
Washington, residing at Renton

My commission expires 1/19/2014



Westel - 30  
Ednetics - 20  
Annet - 70

## E-Rate Form 471 Internal Connections Bid Evaluation

Weighting Matrix (total 100 points)

Purchase Price - 30 points

Westel

Vendor on State Contract for Cisco Equipment - 20 points

Annet  
Ednetics

Vendor's past relationship with the applicant - 20 points

Annet

Vendor reputation and years in the Network business - 10 points

Annet - National company with long background.

Quality of the Project Management offered by the vendor - 10 points

Annet On site project manager. We have experience with this person.

Vendor's certifications and knowledge of advanced technologies - 10 points

Annet - On site local CCNP and CNA.

Thuan Nguyen

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 5,6,7 - Step 4\_Select a Service Provider



## Step 4: Select the Most Cost-Effective Service Provider

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Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor.

**Waiting Period.** At the conclusion of the 28-day waiting period after the *Description of Services Requested and Certification Form* (Form 470) is posted on the USAC website, the applicant may select a vendor for tariffed or month-to-month services or execute a contract for new contractual services.

**Bid Evaluation.** Applicants must construct an evaluation for consideration of bids received in response to the posting of the Form 470 that makes price the primary factor in the selection of a vendor.

**Contract Guidance.** Applicants may also choose vendors from a State Master Contract, execute multi-year contracts pursuant to a Form 470, and enter into voluntary contract extensions, but certain additional contract requirements apply. In all cases, applicants must comply with state and local procurement laws.

**Document Retention.** Applicants must save all documentation pertaining to the competitive bidding process and vendor selection for five years. Applicants must certify and acknowledge on the Form 470 and the *Services Ordered and Certification Form* (Form 471) that they may be audited and that they must retain all records that can verify the accuracy of information provided.

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**Step 3**    Open a Competitive bidding Process

**Step 5**    Calculate the Discount Level

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Last modified on 1/6/2006



## Step 4: Construct An Evaluation

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Price must be the primary factor when constructing the evaluation of bid responses.

When an applicant examines and evaluates the bids received for eligible services, it must select the most cost-effective bid. This means that the price should be the primary factor, but does not have to be the sole factor. Other relevant factors may include: prior experience including past performance; personnel qualifications including technical excellence; management capability including schedule compliance; and environmental objectives.

**For example**, the following would be an acceptable weighting of the factors listed above to use in evaluating bid responses, as price is weighted higher than any other single factor:

Factor	Weight
Price	30%
Prior experience	25%
Personnel qualifications	20%
Management capability	15%
Environmental objectives	10%
<b>Total</b>	<b>100%</b>

Note that the value or price competitiveness of services or products that are **ineligible** for support cannot be factored into the evaluation of the most cost-effective supplier of eligible services.

**For example**, Service Provider A offers a price for eligible services of \$1,000.

Service Provider B offers a price for the same services for \$1,200, but this price includes \$900 of eligible services and \$300 of ineligible services to be provided at no additional cost to the applicant.

The value of the "free" software or hardware offered by Service Provider B cannot be factored into the evaluation of the most cost-effective supplier of eligible services. All other things being equal, Service Provider A is offering the most cost-effective bid for services eligible for support.

---

**Step 3**    Open a Competitive bidding Process

**Step 5**    Calculate the Discount Level

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Last modified on 1/6/2006

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### Bid Evaluation Matrix (Points Based) SAMPLE

**There have been many requests for USAC to provide guidance with respect to what information should be included as you conduct your bidding process. Below is an example of information that may be helpful. In addition, retaining this type of information will be very helpful if USAC requests this information in the future. This example is not mandatory or intended to serve any other purpose than to respond to requests for guidance.**

In this example, each factor is worth the same number of points as the weighting percentage. Vendors are rated on how well they met each factor. The entries for all factors are then totaled for each vendor. The winning bidder is the one with the highest number of total points. The cost of the eligible goods and services must be weighted most heavily.

No	Factors	Total Points Available	Vendor 1 143xxxxxx ABC Inc.	Vendor 2 143xxxxxx DEF Inc.	Vendor 3 143xxxxxx GHI Inc.	Vendor 4 143xxxxxx JKL Inc.
1	<i>Cost of the Eligible Goods and Services</i>	40 *	38	25	38	0
2	<i>Experience</i>	20	18	17	20	0
3	<i>Availability</i>	10	10	8	7	0
4	<i>Minority Business Status</i>	10	6	9	9	0
5	<i>In State Preference</i>	10	3	7	10	
6	<i>Cost of the Ineligible products</i>	5	4	1	5	
7	<i>Project Management Expertises</i>	5	2	1	5	
<b>Total Points</b>		100	81	68	94	0

\* This number must be higher than all of the other numbers in this column.

**Winning Bidder:**

Vendor 3 (GHI, Inc.) is the winning bidder because it has the highest total points.

**Disqualified Bidders:**

**Bidder Reason for Disqualification**

JKL Inc All interested bidders received two weeks' notice of a required pre-bid conference.  
JKL Inc. did not attend this conference and did not provide a reason for its absence.

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 8 - AvnetEnterprises\_merger\_NV05



# Avnet Strikes Another Deal, Forms New Company With Calence

By [Robert Wright](#), CRN

11:50 AM EST Wed. Nov. 30, 2005

One day after selling its Hewlett-Packard enterprise solutions business to Logicalis, Avnet has made another pivotal move by teaming up with networking solution provider Calence to create a new \$300 million VAR.

Avnet announced Tuesday that it is spinning off its Avnet Enterprise Solutions networking business and combining it with Calence. The new company, Calence LLC, will be headquartered in Phoenix and will be composed of employees and resources of both Calence and Avnet Enterprise Solutions (AES), which specialized in network life-cycle management, as well as wireless, security and IP networking solutions. The new solution provider will be jointly owned by Avnet and Calence and will be run by current Calence chairman CEO Michael Fong, who founded Calence in 1993, while Jim Teter, president of AES, will serve as COO of Calence LLC.

"This creates the largest pure-play [networking VAR] in our space," Fong says. "We're very excited about moving this company forward."

The combination of Calence and AES gives Calence LLC approximately 400 employees with 20 offices across the United States and around \$300 million in combined annual revenues. Fong says Calence had been looking at a number of companies to partner with to grow the business. While Calence had never had a partnership with any part of Avnet before, the two companies were familiar with one another because both are headquartered in Tempe, Ariz.

Steve Tepedino, president of Avnet Technology Solutions, says the two companies share strong networking competencies, especially around Cisco, but bring two distinct customer markets together; Calence specializes in the K-12 education market, while AES is stronger in the commercial space.

"It's a perfect match," Tepedino says. "There's great synergies between the two companies in the networking solutions space, but the biggest difference is our diverse customer bases."

Fong says Calence LLC will concentrate more on building up its commercial client base in the midmarket.

"There's a growing opportunity for network outsourcing and BPO services below the Fortune 500," Fong says. "We think the real sweet spot for us will be the midmarket."

While Calence LLC will operate independently from Avnet, the two companies signed a five-year outsourcing agreement. Calence LLC will provide Avnet with network BPO services and manage Avnet's voice and data networks, as well as its telecommunications expense-management support.

With its HP solutions business sold to Logicalis and now its AES business spun off, Avnet looks to focus its attention on tier-two distribution through its Avnet Electronics Marketing and Avnet Technology Solutions divisions. Earlier this year, Avnet acquired Memec, a semiconductor distributor with \$2.3 billion in sales for 2004, for approximately \$676 million in an effort to grow its distribution business overseas, particularly in Asia Pacific.

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 9 - Cisco Contract K97-MST-012 - Approved Partners

Amendment Number 99-06  
Contract Number K97-MST-012

for  
Intranet Routers and Server Switches

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In accordance with Provision 41 (*Authority for Modifications and Amendments*) of Contract Number K97-MST-012, this Amendment 99-06 is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Contractor").

The purpose of this Amendment 99-06 is to add additional products and services and subcontractors to perform products and services fulfillment duties for Contractor as set forth below.

1. Pursuant to Paragraph 40 (*Additional Services and Equipment*), Catalyst 6000/6500 Switches and related SmartNet Maintenance set forth on Attachment A to this Amendment are added to Schedule A to the Contract.
2. Pursuant to Paragraph 40 (*Additional Services and Equipment*), additional Partner Provided Warranty and Installation Services, as set forth in Attachment A to this Amendment, are also added to Schedule A to the Contract. These services contain "USW" within their part number and are available only from fulfillment partner US West Communications.
3. Pursuant to Provision 44 (*Subcontractors*) DIS hereby approves the following fulfillment partners to Contractor as subcontractors under this Master Contract:

**a) Available statewide for Government and Education Purchasers.**

US West Communications  
512 12th Avenue Southeast, Suite 400  
Olympia, WA 98501

UBI# 600 517 141

Contact: Rick Hendrickson  
Phone: 360 754-3115  
Fax: 360 754-3085

**b) Available in Eastern Washington for Education Purchasers.**

Resource Computing Inc.  
200 North Mullan Road, Suite 120  
Spokane, WA 99206

UBI# 601 534 750

Contact: Jeffery Werner  
Phone: 509 921-7326  
Fax: 509 921-7328

**c) Available in Western Washington/Seattle Metropolitan area for Education Purchasers.**

Communications Specialists Inc.  
17280 Woodinville-Redmond Road NE,  
Suite 800-A  
Woodinville, WA 98072

UBI # 600 538 503

Contact: Lem Putnam  
Phone: 425 485-9200  
Fax: 425 485-9400

All other provisions of Contract K97-MST-012, as previously amended, shall remain in full force and effect.

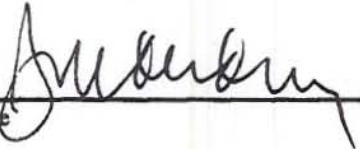
This Amendment 99-06 shall be effective as of the date signed by DIS.

Approved

State of Washington,  
Department of Information Services

Approved

Cisco Systems, Inc.

  
Signature

JOHN M. ANDERSON  
Assistant Director

Print or Type Name

Title

Date

3/19/99

  
Signature

Rick Timmins  
Print or Type Name

Title

Date

V.P. World wide Sales Finance 3/13/99

Amendment Number 99-07  
Contract Number K97-MST-012  
for  
Intranet Routers and Server Switches

In accordance with Provision 41 (*Authority for Modifications and Amendments*) of Contract Number K97-MST-012, this Amendment 99-07 is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Contractor").

The purpose of this Amendment 99-07 is to add an additional subcontractor to perform product and service fulfillment duties for Contractor as set forth below.

Pursuant to Provision 44 (*Subcontractors*) DIS hereby approves the following fulfillment partner to Contractor as a subcontractor under this Master Contract:

**Available Statewide for Education Purchasers**

GTE Network Services  
1800 41<sup>st</sup> Street WAO104SM  
P.O. Box 1003  
Everett, WA 98201

UBI# 313-013-420

Contact: Don Franks  
Phone: 425 261-7811  
Fax: 425 261-7948

All other provisions of Contract K97-MST-012, as previously amended, shall remain in full force and effect.

This Amendment 99-07 shall be effective as of the date signed by DIS.

Approved

State of Washington,  
Department of Information Services

Signature

John Anderson

Assistant Director

3/30/99

Date

Approved

Cisco Systems, Inc.

Signature

Print or Type Name

V.P. Worldwide Sales Finance 3/24/99

Title

Date

State of Washington  
Department of Information Services

K97-MST-012  
Amendment 99-07



Amendment Number 01-09  
Contract Number K97-MST-012

for  
Intranet Routers and Server Switches

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In accordance with Provision 41 (*Authority for Modifications and Amendments*) of Contract Number K97-MST-012, this Amendment 01-09 is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Contractor").

1. The former Schedule A dated December 20, 1999, is replaced by the new Schedule A dated August 2000. Contractor has increased the discount for government purchases to 28% off list price for core products and 25% off list price for non-core products.
2. Pursuant to Provision 44 (*Subcontractors*) DIS hereby approves the following fulfillment partners to Contractor as subcontractors under this Master Contract:
  - a) **Available in Western Washington for State and Local Government and Education Purchasers.**

Right Systems  
2918 Ferguson St., Suite A  
Tumwater, WA. 98512

UBI# 601 480 295

Contacts:  
Sean Padget, Director of Sales  
Brian Reiter, Account Manager  
Phone: (360) 956-0414  
Fax: (360) 956-0336378

- b) **Available in Western Washington for Local Government and Education Purchasers.**

Kent DataComm  
8469 154<sup>th</sup> Avenue NE  
Redmond, WA 98052

UBI# 601 229 252 7

Contacts:  
Perry Krallis, Regional Manager  
Al Ryall, Account Manager  
Phone: (425) 885-7979  
Fax: (425) 885-7084

c) Available in Western Washington/Seattle Metropolitan area for Local Government and Education Purchasers.

SBC DataComm  
3326 160<sup>th</sup> Ave SE, Suite 100  
Bellevue, WA. 98008

UBI # 601 957 454

Contact:  
Michael Giannopoulos, Regional Manager  
Phone: (425) 378-9142  
Fax: (425) 378-9187

All other provisions of Contract K97-MST-012, as previously amended, shall remain in full force and effect.

Approved

State of Washington,  
Department of Information Services



Signature

Michael D. McVicker

Assistant Director

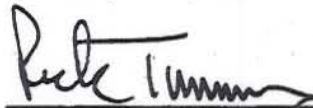
Title

9/29/00

Date

Approved

Cisco Systems, Inc.



Signature

Rick Timmins

VP Worldwide Sales, Finance

Title

Date

**Amendment 02-13  
K97-MST-012  
Intranet Routers and Server Switches**

In accordance with Section 41 ("Authority for Modifications and Amendments") of Contract Number T98-MST-012 (the "Contract"), this amendment ("Amendment 02-13") by and between the State of Washington acting through the Department of Information Services, an agency of Washington State government ("State"), and Cisco Systems, Inc., ("Contractor") and is effective as of the date specified herein as the effective date (the "Effective Date").

State and Contractor agree to amend the Contract as follows:

1. State and Contractor hereby agree to add the equipment listed in Exhibit 1 (Refurbished Cisco Network Equipment), attached hereto and incorporated by this reference, to Schedule A for one time purchase by the Department of Information Services only.
2. The parties agree that order fulfillment and installation shall be completed by Contractor's subcontractor Qwest Corporation.
3. This Amendment may be executed by any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument. A facsimile copy of this Amendment, including the signature pages, will be deemed to be an original.
4. The Effective Date of this amendment shall be October 22, 2001, regardless of the date executed.

All other provisions, terms and conditions of the Contract, as previously amended, shall remain in full force and effect.

**APPROVED**

State of Washington  
Department of Information Services

Signature

John D. Flanagan

Manager, Contracts & Acquisitions

Title

12-27-01

Date

**APPROVED**

Cisco Systems, Inc.

Signature

Rick Timmer

Print or Type Name

VP WW STATES FINANCE

Title

Date

12/11/01

State of Washington  
Department of Information Services

K97-MST-012  
Amendment 02-13



Amendment Number 02-14  
Contract Number K97-MST-012  
for  
Intranet Routers and Server Switches

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In accordance with Provision 41 (*Authority for Modifications and Amendments*) of Contract Number K97-MST-012, this Amendment 02-14 is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Contractor").

1. Pursuant to Provision 44 (*Subcontractors*) DIS hereby approves the following fulfillment partners to Contractor as subcontractors under this Master Contract:

a) Available in Eastern Washington for Education Purchasers.

Ednetics  
510 Clearwater Loop, Suite 2  
Post Falls, Idaho

UBI# 602 127 359

Contact:  
Shawn Swanby, President  
Phone: (208) 777-4709  
Fax: (208) 777-4708

b) Available Statewide for Education and Local Government Purchasers.

NEC BNS  
16300 Christensen Road, Suite 130  
Seattle, WA 98188

UBI# 578 061 816

[jbjorkland@necbns.com](mailto:jbjorkland@necbns.com)

Contact:  
Joe Bjorkland, Regional Manager  
Phone: (206) 835-7956  
Fax: (206) 241-9366

c) Avnet Enterprise Solutions, d/b/a Avnet ESD, previously known as Kent Datacomm, and previously approved as a fulfillment partner, is hereby approved with expanded capability and is available Statewide for State and Local Government and Education Purchasers.

d) The following sub contractor is hereby removed, and no longer available in Western Washington/Seattle Metropolitan area for Local Government and Education Purchasers:

SBC DataComm  
3326 160<sup>th</sup> Ave SE, Suite 100

UBI # 601 957 454

Amendment Number 03-18  
Contract Number K97-MST-012  
for

Intranet Routers and Server Switches

In accordance with Provision 41 (*Authority for Modifications and Amendments*) of Contract Number K97-MST-012, this Amendment 03-18 is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Contractor").

1. Pursuant to Provision 44 (*Subcontractors*) DIS hereby approves the following fulfillment partners to Contractor as subcontractors under this Master Contract:

- a) Available in Western Washington for Education Purchasers

Obsidian Technologies, Inc.  
1565 Oak Street  
Eugene, Oregon

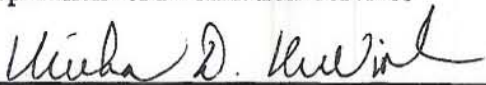
UBI# 602 112 639

Contact:  
David B. Markey, President  
Phone: (541) 242-1000  
Fax: (541) 484-0135

All other provisions of Contract K97-MST-012, as previously amended, shall remain in full force and effect.

Approved

State of Washington,  
Department of Information Services

  
Signature

Michael D. McVicker

Assistant Director

Title

11/6/02  
Date

Approved

Cisco Systems, Inc.

  
Signature

 Rick Timmins

VP WW Sales Finance 10/31/02

Title

Date

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 10,14 - DIS Master Contract T06-MST-001\_amend-2006

Amendment Number 06-01  
to  
Contract Number T06-MST-001  
for  
Cisco Products and Services

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In accordance with Provision 42 (*Authority for Modifications and Amendments*) of Contract #T06-MST-001 ("Contract"), this Amendment 06-01 ("Amendment") is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Cisco") and is effective as of the date last signed below.

- (1) Pursuant to Section 47 *Subcontractors and Fulfillment Partners*, DIS and Cisco agree to amend Schedule I, *Fulfillment Partners*, as revised and attached hereto.
- (2) Pursuant to Section 42, *Authority for Modifications and Amendments*, DIS and Cisco agree to amend the Contractor Account Information in Section 38, *Contractor Account Manager*, as follows:

Contract Account Manager: Ray Coleman

Address: 500 108th Avenue N.E., Suite 400, Bellevue, Washington 98004

Phone: 425-468-0908

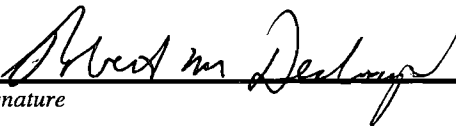
Fax: 206-490-6797

E-mail: racolema@cisco.com

All other provisions of Contract T06-MST-001, as amended, shall remain in full force and effect.

Approved

State of Washington,  
Department of Information Services


  
\_\_\_\_\_  
Signature

ROBERT M. DESHAYÉ

ACTING ASST DIRECTOR 5/31/06  
Title Date

Approved

Cisco Systems, Inc.

  
\_\_\_\_\_  
Signature

FRANK A. CALDERONI

VP, WW SALES FINANCE May 23 2006  
Title Date

## Schedule I

### Fulfillment Partners

Authorized Purchasers may purchase Equipment and Service from the Authorized Fulfillment Partners listed below, so long as the Equipment and Services are within the scope of the Master Contract. **For purposes of clarification, Voice over IP products are outside the scope of the Master Contract, per Section 4.1 of the Master Contract.**

Fulfillment Partner	Contact Person and Information	Service Area	Equipment and Services
Calence LLC (which has acquired the former Avnet Enterprise Solutions division)  UBI: 602-577-503	Chris Cushman 10785 Willows Road NE, Suite 100, Redmond, WA 98052  <a href="mailto:ccushman@calence.com">ccushman@calence.com</a> 503-358-9058	Western Washington	Cisco Equipment & Services
Cerium Networks, Inc.  UBI: 602-569-046	Roger Junkermier 1011 East 2 <sup>nd</sup> Avenue, Suite 10, Spokane, WA 99202  <a href="mailto:rjunkermier@ceriumnetworks.com">rjunkermier@ceriumnetworks.com</a> 509-536-8656	Eastern Washington	Cisco Equipment & Services
Dimension Data of North America, Inc.  UBI: 602-016-813	Tom Falk 20545 NE 34 <sup>th</sup> Place, Sammamish, WA 98074  <a href="mailto:Tom.Falk@us.didata.com">Tom.Falk@us.didata.com</a> 206-799-2228	Western Washington	Cisco Equipment & Services
Ednetics, Inc.  UBI: 602-127-359	Shawn Swanby 11715 SE 5 <sup>th</sup> Street, Suite 206, Bellevue, WA 98005  <a href="mailto:info@ednetics.com">info@ednetics.com</a> 208-777-4709, ext: 1057	Eastern Washington	Cisco Equipment & Services
EMC Corporation  UBI: 602-158-629	James Speidel 3650 131 Street Avenue, SE, Suite 700, Bellevue, WA 98006  <a href="mailto:Speidel_James@emc.com">Speidel_James@emc.com</a> 503-431-6240	Western Washington	Cisco Equipment & Services

Internetnetwork Experts (INX) UBI: 602-490-207	Andrew Cadwell 500 108 <sup>th</sup> Ave NE, Suite 240, Bellvue, WA 98004  Andrew.Cadwell@inetx.com 206-210-2040	Western Washington	Cisco Equipment & Services
MSN Communications Inc. (d/b/a Mountain States Networking)  UBI: 602-610-224	Todd Harris 5335 SW Meadows, Suite 155, Lake Oswego, OR 97035  tharris@mstates.com 503-914-5912	Southwestern Washington	Cisco Equipment & Services
NEC Unified Solutions, Inc.  UBI: 602-370-718	Bill Dixon 15320 East Marietta #5 Spokane, WA 99216 bdixon@necunified.com 509-227-6410	Eastern Washington	Cisco Equipment & Services
NetVersant Solutions Inc.  UBI: 601-628-538	Brad King 3849 1st Ave South Seattle, WA 98134 <u>Brad.king@netversant.com</u> 206-774-7125	Western Washington	Cisco Wireless LAN Equipment & Services
Nexus IS UBI: 602-354-283	John Hertzberg 801 SW 16 <sup>th</sup> Street Suite 200 Renton, WA 98055 john.hertzberg@nexusis.com 206-219-6229	Western Washington	Cisco Equipment & Services
Obsidian Technologies, Inc.  UBI: 602-112-639	Tony Foy 1599 Oak Street Eugene, OR 97401  tfoy@obsidianttechnologies.com 541-242-1000	Southwestern Washington	Cisco Equipment & Services
Qwest Interprise America Inc.  UBI: 601-707-410	Wendy Rock 512 12 <sup>th</sup> Avenue, SE, Room 400 Olympia, WA 98501  Wendy.Rock@qwest.com 360-754-5957	Statewide	Cisco Equipment & Services

Right Systems, Inc. UBI: 601-480-295	Brian Reiter 2918 Ferguson Street, Suite A, Tumwater, WA 98512  <a href="mailto:breiter@rightsys.com">breiter@rightsys.com</a>  360-528-8605	Western Washington	Cisco Equipment & Services
Structured Communications Systems, Inc.  UBI: 601-478-854	John Culbertson 4382 SE International Way, Suite C Portland OR 97222 503-513-9979 <a href="mailto:jculbertson@structured.com">jculbertson@structured.com</a>	Statewide	Cisco Equipment & Services
Verizon Select Services Inc.  UBI: 601-579-984	David Acklin 1800 41st Street M/S WA0104SM Everett, WA 98201 (425) 261-7811 <a href="mailto:david.r.acklin@verizonbusiness.com">david.r.acklin@verizonbusiness.com</a>	Western Washington	Cisco Equipment & Services



Amendment Number 06-02  
to  
Contract Number T06-MST-001  
for  
Cisco Products and Services

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In accordance with Provision 42 (*Authority for Modifications and Amendments*) of Contract #T06-MST-001, as amended ( "Contract"), this Amendment 06-02 ("Amendment") is entered into by and between the State of Washington, Department of Information Services ("DIS") and Cisco Systems, Inc. ("Cisco") and is effective as of the date last signed below.

- (1) Pursuant to Section 47 *Subcontractors and Fulfillment Partners*, DIS and Cisco agree to amend Schedule I, *Fulfillment Partners*, as revised and attached hereto.

All other provisions of Contract T06-MST-001, as amended, shall remain in full force and effect.

Approved

State of Washington,  
Department of Information Services

  
Signature

Roland Rivera

Assistant Director

Title

9/7/06  
Date

Approved

Cisco Systems, Inc.

  
Signature

FRANK A. CALDERONI

VP, WW SALES FINANCE

Title

8/29/06  
Date

## Schedule I Fulfillment Partners

Authorized Purchasers may purchase Equipment and Service from the Authorized Fulfillment Partners listed below, so long as the Equipment and Services are within the scope of the Master Contract. **For purposes of clarification, Voice over IP products are outside the scope of the Master Contract, per Section 4.1 of the Master Contract.**

<b>Fulfillment Partner</b>	<b>Contact Person and Information</b>	<b>Service Area</b>	<b>Equipment and Services</b>
Calence LLC (which has acquired the former Avnet Enterprise Solutions division)  UBI: 602-577-503	Chris Cushman 10785 Willows Road NE, Suite 100, Redmond, WA 98052  <a href="mailto:ccushman@calence.com">ccushman@calence.com</a> 503-358-9058	Western Washington	Cisco Equipment & Services
Cerium Networks, Inc.  UBI: 602-569-046	Roger Junkermier 1011 East 2 <sup>nd</sup> Avenue, Suite 10, Spokane, WA 99202  <a href="mailto:rjunkermier@ceriumnetworks.com">rjunkermier@ceriumnetworks.com</a> 509-536-8656	Eastern Washington	Cisco Equipment & Services
Dimension Data of North America, Inc.  UBI: 602-016-813	Tom Falk Dimension Data North America Inc. 1110 - 112th Ave. NE, Suite #160 West Bldg. - First Floor Bellevue, WA 98004  <a href="mailto:Tom.Falk@us.didata.com">Tom.Falk@us.didata.com</a> 206-799-2228	Western Washington	Cisco Equipment & Services
Ednetics, Inc.  UBI: 602-127-359	Shawn Swanby 11715 SE 5 <sup>th</sup> Street, Suite 206, Bellevue, WA 98005  <a href="mailto:info@ednetics.com">info@ednetics.com</a> 208-777-4709, ext: 1057	Statewide	Cisco Equipment & Services
EMC Corporation  UBI: 602-158-629	James Speidel 3650 131 Street Avenue, SE, Suite 700, Bellevue, WA 98006  <a href="mailto:Speidel_James@emc.com">Speidel_James@emc.com</a> 503-431-6240	Western Washington	Cisco Equipment & Services

Internetwork Experts (INX) UBI: 602-490-207	Andrew Cadwell 500 108 <sup>th</sup> Ave NE, Suite 240, Bellvue, WA 98004  Andrew.Cadwell@inetx.com 206-210-2040	Western Washington	Cisco Equipment & Services
MSN Communications Inc. (d/b/a Mountain States Networking) UBI: 602-610-224	Todd Harris 5335 SW Meadows, Suite 155, Lake Oswego, OR 97035  nfekete@mstates.com 503-914-5912	Southwestern Washington	Cisco Equipment & Services
NEC Unified Solutions, Inc. UBI: 602-370-718	Bill Dixon 15320 East Marietta #5 Spokane, WA 99216 Wdixon@necunified.com 509-227-6410	Eastern Washington	Cisco Equipment & Services
NetVersant Solutions Inc. UBI: 601-628-538	Brad King 3849 1st Ave South Seattle, WA 98134 <u>Brad.king@netversant.com</u> 206-774-7125	Western Washington	Cisco Wireless LAN Equipment & Services
Nexus IS UBI: 602-354-283	John Hertzberg 801 SW 16 <sup>th</sup> Street Suite 200 Renton, WA 98055 john.hertzberg@nexusis.com 206-219-6229	Western Washington	Cisco Equipment & Services
Obsidian Technologies, Inc. UBI: 602-112-639	Tony Foy 1599 Oak Street Eugene, OR 97401  tfoy@obsidianttechnologies.com 541-242-1000	Southwestern Washington	Cisco Equipment & Services
Qwest Interprise America Inc. UBI: 601-707-410	Wendy Rock 512 12 <sup>th</sup> Avenue, SE, Room 400 Olympia, WA 98501  Wendy.Rock@qwest.com 360-754-5957	Statewide	Cisco Equipment & Services

Right Systems, Inc. UBI: 601-480-295	Brian Reiter 2918 Ferguson Street, Suite A, Tumwater, WA 98512  <a href="mailto:breiter@rightsys.com">breiter@rightsys.com</a>  360-528-8605	Western Washington	Cisco Equipment & Services
Structured Communications Systems, Inc.  UBI: 601-478-854	John Culbertson 4382 SE International Way, Suite C Portland OR 97222 503-513-9979 <a href="mailto:jculbertson@structured.com">jculbertson@structured.com</a>	Statewide	Cisco Equipment & Services
Verizon Select Services Inc.  UBI: 601-579-984	David Acklin 1800 41st Street M/S WA0104SM Everett, WA 98201 (425) 261-7811  <a href="mailto:david.r.acklin@verizonbusiness.com">david.r.acklin@verizonbusiness.com</a>	Statewide	Cisco Equipment & Services

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 11 - Step 4\_Contract Guidance

## Step 4: Contract Guidance

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Applicants and service providers must meet all Federal Communications Commission (FCC) and state contract requirements.

### CONTRACTS

In general, a contract is a binding agreement, enforceable by law, between two or more parties that creates an obligation to do, or not do, something. Contract definitions and requirements are contained in each state's or territory's contract law.

Except for services to be delivered under non-contracted tariffed or month-to-month arrangements, FCC rules require that an applicant sign a contract with the service provider before signing and submitting a completed *Services Ordered and Certification Form* (Form 471). Applicants must be able to demonstrate that they had a signed and dated contract in place at the time they submitted a completed Form 471. Applicants must also comply with state and/or local contract law. Obtaining the service provider signature and date is not a program requirement, but state and/or local contract law may include this or other compliance requirements.

Acceptable standards for applicant signature and dated contract examples:

- Applicant handwritten signature and signature date,
- Date contract awarded may be contained in the body of the contract, or
- Date contract awarded may be in the opening statements of the contract.

When state and/or local contract law does not require the applicant to sign and date the contract, the applicant will be given the opportunity to complete a certification statement. The certification statement affirms that the applicant is compliant with their state and/or local contract law.

Verbal agreements and quotes do not meet FCC requirements. Generally purchase orders do not meet USAC contract guidelines. We recommend that if applicants intend to use a purchase order as their contract they check their state and/or local contract laws to ensure that purchase orders meet state and/or local contract requirements.

### Establishing Forms 470

The establishing *Description of Services Requested and Certification Form* (Form 470) is the form that serves as the basis for the competitive bidding process. For a multi-year contract, the establishing Form 470 for that contract could have been posted in a previous funding year.

### Qualified existing contracts

A qualified existing contract is:

- A signed, written contract executed pursuant to the posting of a Form 470 in a previous funding year.
- A contract signed on or before July 10, 1997 and reported on a Form 470 in a previous year as an existing contract.

### Tariffed services provided under a contract

A tariffed service provided under contract is a service offered under one or more tariffs and for which a contract has been signed. In all cases, funding requests for which a contract has been signed should be reported as contracted services. Form 471 Block 5 should include the Contract Number in Item 15 (not a "T"), the Contract Award Date in Item 18, and the Contract Expiration Date in Item 20.

### STATE MASTER CONTRACTS

A state master contract is a contract that is competitively bid and put in place by a state government entity for use by others.



**Filing the Form 470**

**If the state files a Form 470**, then the applicant may cite the state's Form 470 on its Form 471. The state must follow a competitive bidding process pursuant to FCC requirements and state procurement law.

The applicant is required to follow the applicable provisions of the state master contract and state and local procurement laws. No separate bidding documents or contracts are required by the applicant citing the state's Form 470, other than what is required by the state master contract and state and local procurement laws. The signed state master contract between the state and the service provider meets the FCC signed contract requirement.

**If the applicant files a Form 470** and considers a state master contract as one of the bids, the applicant must follow a competitive bidding process pursuant to FCC requirements and state and local procurement law. Price must be the primary factor - that is, it must be weighted more heavily than any other factor.

**If the applicant selects the state master contract as the most cost-effective alternative, the applicant is required to follow the applicable provisions of the state master contract, state contract law, and state and local procurement laws. The signed state master contract between the state and the service provider meets the FCC signed contract requirement.**

**Reporting the Contract Award Date for state master contracts**

The Contract Award Date shall not be earlier than the 29th day after the posting of the Form 470. If an applicant files its own Form 470 and chooses either a new or a pre-existing state master contract as the most cost effective bid, the applicant should record its decision to purchase off the state master contract after the bidding process is complete and to record the date of this memorialization as the Contract Award Date on the Form 471.

**Purchase orders or other state master contract requirements for applicants**

If the state master contract requires the issuance of purchase orders or contains other requirements for applicants, the applicants must meet those requirements. For example, if the state master contract requires the applicant to issue a purchase order by July 1, then the applicant is required to meet that deadline.

**MULTI-YEAR CONTRACTS AND CONTRACTS INCLUDING VOLUNTARY EXTENSIONS**

A multi-year contract means a contract that covers more than one year. For example, a three-year contract would expire at the end of the third year. A contract including voluntary extensions means that the contract expires at the end of its original term and may be voluntarily extended for one or more years pursuant to the provisions in the contract.

To comply with FCC competitive bidding requirements, the applicant must indicate in its Request for Proposals (RFP) and Item 7 on the Form 470 its intent to enter into a multi-year contract for services or a contract that includes voluntary extensions. The applicant must also indicate the type of services for which it is seeking a multi-year contract.

**When voluntary extensions are indicated in Item 13 of Form 470 and in the RFP, if an RFP was used, the applicant does not have to post a new Form 470. In the event the Form 470 does not indicate voluntary extensions, the contract cannot extend the contract beyond its original expiration date without posting a new Form 470.**

FCC rules grant a limited extension of the competitive bidding rules for contracts for non-recurring services. "[C]ontracts for nonrecurring services may be voluntarily extended to coincide with the appropriate deadline for the implementation [of delivery and installation for nonrecurring services]. Parties may not, however, extend other contractual provisions beyond the dates established by the Commission's rules without complying with the competitive bidding process." (FCC 01-195, released June 29, 2001). If an applicant is granted an extension of time for delivery and installation of non-recurring services, the applicant may extend the relevant contract without rebidding. Applicants should file a Form 500 to notify USAC of such contract extensions.

**Multi-year contracts for newly-eligible services or entities**

If the original Form 470 or RFP did not include the newly-eligible services or entities, the applicant will be required to post a new Form 470 for those services.

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 13 - DIS\_policy-201-S3

# Information Technology Investment Standards

**Policy No: 201-S3**

Also See: [200-P2](#)

Supersedes No: 201-S2

Effective Date: December 2000

Revision Date: November 2009

[Definitions](#)

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## Introduction

These standards specify requirements for investments in information technology (IT) resources and reflect the portfolio management emphasis on coordinating investments and projects in the context of an agency’s business plan. They are not exhaustive. Questions should be directed to an agency’s assigned DIS Senior Technology Management Consultant.

## Statutory Authority

The provisions of RCW 43.105.041 detail the powers and duties of the ISB, including the authority to develop statewide or interagency information services and technical policies, standards and procedures.

**Scope**

These standards apply to all executive and judicial branch agencies and educational institutions, as provided by law, that operate, manage, or use IT services or equipment to support critical state business functions.

Acquisitions conducted within delegated authority must comply with the requirements in these Investment Standards, as well as those of the IT Investment Policy. The planning and policy component of the Department of Information Services (DIS) is staff to the ISB and the contact point for investment issues.

If ISB or DIS approval is required, it must be obtained before conducting the acquisitions and before releasing any formal solicitation document. If the solicitation results in investment cost and/or risk assessment higher than the approval authority level already obtained, the investment must receive the appropriate approvals for the revised investment cost and/or risk assessment before moving forward.

**Exemptions**

1. The ISB reserves the right to exempt enterprise-wide or emerging technologies from an agency's delegated authority until policies and standards regarding these technologies are adopted. Any of these investments may require ISB or DIS review and/or approval even if the cost is within an agency director's delegated authority. Among these exemptions are mainframe computers, new wide area networks (WANS), human resources applications such as payroll or training systems, electronic payment methods, digital signature or public key infrastructure (PKI) technologies and services, and encryption technologies or services (except for commonly available commercial off-the-shelf session-related functions in web browsers and similar client software). Also exempted are systems that compete with or are to be used in place of systems that serve state-wide functions such as the Office of Financial Management's AFRS system of financial management and the Department of Personnel's data warehouse. If an agency is considering investing in any of these technologies, it should contact its DIS Senior Technology Management Consultant.
2. Agencies are delegated authority without limitation to acquire information technology process control equipment. Examples of such equipment are traffic, bridge, heating, cooling, laboratory equipment, water level monitors and controllers, and the like.
3. Agencies are delegated authority without limitation to acquire IT resources to restore levels of operation following an emergency or a disaster such as a fire, flood, earthquake, vandalism, or theft. This authority is only for the purchase of resources necessary to restore operations or replace inoperative equipment with similar equipment.
4. Higher education institutions are delegated authority without limitation to acquire IT resources for academic and research applications.

5. All video telecommunications purchases require an acquisition plan to be submitted to DIS.

## **Standards**

### **Approvals**

ISB approval is required under one or more of the following circumstances:

- The investment was placed under ISB oversight by legislative proviso.
- The ISB places the investment under its oversight.
- The investment is an academic strategic partnership for a business or administrative application.
- The investment was rated oversight level 3.

ISB approval may be required under one or more of the following circumstances:

- The investment cost exceeds the agency director's delegated authority. In these situations, an agency must contact its assigned DIS Senior Technology Management Consultant.
- The investment is exempted from delegated authority. In these situations, an agency must contact its assigned DIS Senior Technology Management Consultant.
- A level 3 investment conducting a separate acquisition for a high severity or high risk component not previously approved by the ISB.
- The cost or scope of an investment or investment component substantially changes after initial ISB approval.
- DIS recommends ISB oversight of a level 2 investment.

DIS approval is required under one or more of the following circumstances:

- The investment cost is more than the agency director's delegated authority.
- The acquisition process to be used is a Technology Assessment.
- The investment was rated oversight level 2.
- The investment is exempted from delegated authority, even if the investment is within an agency director's delegated authority.
- The investment is a private sector strategic partnership.
- The investment is in video telecommunications.

DIS approval may be required under one or more of the following circumstances:

- A level 2 investment conducting a separate acquisition for a high severity or high risk component not previously approved by DIS.
- The cost or scope of an investment or investment component substantially changes after initial DIS approval.

ISB or DIS approval may be required even if the investment cost is within the agency director's delegated authority if at least one of the following applies:

- The investment does not follow established policies on technical standards.
- The investment is not consistent with the agency's IT portfolio regarding hardware platform, operating systems, applications software or networks.
- The investment is a first mainframe or a redundant wide area network (WAN).
- The investment is a system that competes with or is to be used in place of a system that serves a state-wide function, such as the Office of Financial Management's AFRS financial management system and the Department of Personnel's data warehouse. The ISB reserves the right to exempt other technologies that are enterprise-wide.
- The investment includes digital signature hardware or software, certificates or Certification Authority services used to create digital signatures pursuant to RCW 19.34.
- The investment is encryption hardware, software or services, except for commonly available commercial off-the-shelf session-related functions in Web browsers and similar client software.
- The investment is PKI technology, credit card engines, or merchant bank card services.

If an agency is considering an investment in any of these technologies, it should contact its DIS Senior Technology Management Consultant. The ISB reserves the right to exempt other emerging technologies.

### ***Feasibility Studies***

Level 3 investments require completion and submission of a feasibility study to DIS. To determine if a feasibility study is required for a Level 2 investment, an agency should contact its assigned DIS Senior Technology Management Consultant. Feasibility study requirements are detailed in the "Feasibility Study Guidelines for Information Technology Projects Investments" at <http://isb.wa.gov/policies/202G.doc>.

### ***Investment Plans***

To obtain ISB or DIS approval, an agency must submit an investment plan to DIS. If an investment requires ISB approval, the investment plan will be presented to the ISB. In addition to the plan, agencies may provide other documentation that contains the required information and will become the basis of the approval recommendation.

An agency must use the "IT Investment Plan Packet" and the "IT Investment Plan Attachment for Implementation and Maintenance Costs" documents located at <http://isb.wa.gov/policies/investment.aspx>.



***Preparation for Acquisition***

Agencies are encouraged to conduct adequate research prior to releasing solicitations. The following methods allow agencies to discover and evaluate technologies. These should be used when an agency has a general idea of the resource(s) it will need but is still in only a planning or discovery stage. The results of the research may be used to prepare a solicitation.

**Request for Information**

A Request for Information (RFI) is used as a means of technical discovery and to gather information about the degree of competition or resource availability.

**Academic Strategic Partnerships**

Higher education institutions may enter into strategic partnerships. Many of these partnerships involve special pricing or products that are made available only to educational institutions. The provisions of the IT Investment Policy and these IT Investment Standards do not apply to strategic partnerships for academic and research applications, but they do apply to strategic partnerships for business and administrative applications. Strategic partnerships for business and administrative applications require the approval of the ISB or its designated subcommittee. ISB approval is required irrespective of the institution's delegated authority.

**Private Sector Strategic Partnerships**

A private sector strategic partnership addresses the issue of rapidly evolving technology by allowing agencies to explore emerging, innovative technology in small-scale applications that can be monitored and evaluated. The standards for these partnerships are broad in order to permit consideration of a wide range of applications. There is no dollar limit on the value of a partnership, nor is there a limit on the type of IT that can be used. The technology does not even have to be new to the market; it may merely be new to the agency that wishes to acquire and evaluate it. Note that if the anticipated partnership primarily involves the use of personal services, it must comply with OFM policy regarding personal services.

The agency should define the expected duration, respective roles and responsibilities, and expected outcomes of a private sector strategic partnership. The duration of the partnership should be negotiated among the participants and should be one year or less.

While there is no requirement to release a competitive solicitation, the agency should openly advertise its interest in a private sector strategic partnership and develop a structured, documented process to evaluate and select its partner(s). Contributions or resources from the private sector participants should at least equal the state's contribution. The state's contribution (e.g., funding, staff resources, facilities) should be leveraged against the contributions of the private sector participants.

The state should clearly be under no obligation to continue employing the demonstrated technology beyond the duration of the partnership. The agreement should be defined to ensure that agency program objectives will not be jeopardized as the result of either early termination or scheduled completion of the partnership. Some partnerships may involve rights to intellectual property or software developed during the course of the partnership. Some partners may seek exclusive rights to market these applications or attempt to limit the state's use of information gathered during the partnership. But the purpose of the partnership is for the agency to gain knowledge, including knowledge that could be used to structure future competitive acquisitions based upon the partnership's results. Thus, it is very strongly recommended that the agency draft and/or review any such contractual language with the Attorney General's office. This is especially critical in cases where state funds have been expended to develop intellectual property and/or software.

The following specific restrictions apply to private sector partnerships:

- The goods and services "acquired" must be primarily used for gaining knowledge about a particular technology.
- The agency should conduct a reasonable process for selecting partners. More than one partner could be selected which might then allow competing solutions to be evaluated.
- DIS approval must be obtained before an agency may enter into a private sector strategic partnership. This approval must be obtained regardless of the estimated cost of the project or the agency's delegated authority.
- If the agency chooses to acquire a full-scale solution beyond the original scope of the partnership, it must conduct an open and competitive solicitation to select the solution. The results of the partnership may be used to define the agency's requirements.

To ensure prompt response to an investment request, agencies should involve their DIS Senior Technology Consultant early in the development of the request. If a proposed investment will require ISB approval and a feasibility study is required, both the feasibility study and the investment plan should be submitted to DIS at least six weeks before the ISB meeting. Investment plans that require DIS approval should be submitted two weeks before the DIS approval is needed.

### **Acquisition Methods**

IT resources may be acquired through several methods: by conducting competitive solicitations such as Requests for Proposals (RFP), Requests for Quotation (RFQ), or Requests for Quotation and Qualification (RFQQ); by using Master Contracts; by using solicitations by state agencies authorizing follow-on use; through the sole source method; through technology brokering and leasing done by DIS; or by interagency transfer.

**Competitive Solicitations**

The requirements for competitive solicitations are listed in the chart provided in Appendix A. These requirements apply to all forms of competitive solicitations; the estimated acquisition cost determines which requirements must be met.

- A Request for Proposal is used to solicit proposed solutions to a set of functional requirements and/or technical specifications and often includes the acquisition of both goods and services.
- A Technology Assessment is an acquisition process that uses a multi-stage RFP method to qualify vendors and provides for an interaction period prior to final proposal evaluation.
- A Request for Quotation is used to solicit specific price quotes.
- A Request for Quotation and Qualification is used to solicit specific price quotes and determine the qualifications of a vendor to deliver goods and services.

Contract terms and conditions must be included in solicitation documents if indicated on the competitive solicitation requirements chart, attached as Appendix A. In these cases, agencies must use the Model Contracts (also called “Model Terms and Conditions” or “Model Ts and Cs”) listed in Appendix C as well as other terms and conditions appropriate to the specific type of contract. Additional contract clauses must have approval as to form from an agency’s Assistant Attorney General.

**Existing Contracts**

The Interlocal Cooperation Act, chapter 39.34 RCW, allows joint or cooperative actions by public agencies from the same or from different levels of government. State agencies may use it to acquire IT resources through DIS’s Master Contracts or through another public agency’s solicitation authorizing follow-on use if all of the following requirements are met:

- All parties sign an Interlocal Cooperative agreement;
- All other required provisions of the Interlocal Cooperative Act are followed;
- An approved acquisition method documented in these Standards section was used for the establishing agency’s IT acquisition;
- The acquiring agency obtains any necessary approvals described in these Standards;
- The contract allows other public agencies to purchase from it; and
- For contracts that have a specific quantity or dollar limit, the amount or value of the goods or services to be acquired by the agency does not cause the cumulative acquisitions under the contract to exceed the total quantity or total dollar amount of the contract.

**Master Contracts**

Master Contracts allow an agency to acquire IT resources without having to conduct its own competitive solicitation, although the acquiring agencies must still obtain any necessary approvals described in these Standards. Per the provisions of RCW

43.105.052(2)(d), Master Contracts may be established only by DIS, but they may be used by any agency that has a Customer Service Agreement with DIS under the Interlocal Cooperation Act, chapter 39.34 RCW. Local governments may utilize DIS Master Contracts if their contracting regulations allow.

**Solicitations Authorizing Follow-on Use**

In some situations, state agencies may acquire IT resources under an acquisition that was competitively solicited by another public agency. Because the use of solicitations authorizing follow-on use is in contravention to the preference for competitive solicitations, agencies desiring to use them must adhere to strict guidelines. A state agency may use a solicitation authorizing follow-on use to acquire IT resources if all of the following conditions are met:

- The solicitation document authorizes follow-on use by other agencies;
- The follow-on agency submits an investment plan and obtains necessary approval for the acquisition as described in these Standards;
- The follow-on agency uses the same requirements as those contained in the original agency's solicitation document;
- The follow-on agency ensures that the original agency used an approved acquisition method;
- The follow-on agency enters into its own contract with the successful vendor(s) under the same terms and conditions, including equal or better pricing arrangements, as the original solicitation document, except for time-related items such as delivery and installation dates. Follow-on agreements must have the same termination date as the original agency's agreement. If the original contract does not specify a termination date, the maximum time permitted for follow-on contracts is two years from the date of the original agency's contract execution; and
- The follow-on agency follows the advice and directives of its Assistant Attorney General.

A vendor that is party to a contract authorizing follow-on use must submit to the agency all advertising, sales promotion, and other publicity materials in which the agency's name is mentioned or from which the agency's identity can be inferred or implied. The agency must give written approval for all such materials before the vendor can use them.

The language authorizing follow-on use in either a solicitation document or a contract does not guarantee that the successful vendor(s) will be awarded additional contracts from any other state agency.

**Sole Source Acquisition**

ISB policy favors fair and open competition. However, on those rare occasions when competition is technologically or financially prohibitive, sole source acquisition may be considered. The existence of only one supplier does not, alone, provide sufficient basis for using the sole source method because it may be possible to restructure functional

requirements or technical specifications in a way that will allow competitive solution proposals to be made.

The sole source method may be used when there is one supply source and at least one of the following conditions is present:

- Technological compatibility with the current installed base.
- Demonstrated evidence of technical or economic advantage.

The sole source method may also be used when at least one of the following conditions is present:

- Recovery from a disaster.
- A law or grant requires a single source.
- Unique functionality.

The sole source method does not require the release of a solicitation document.

### **Technology Brokering and Leasing**

DIS is authorized to conduct technology brokering and leasing under RCW 43.105.052(2)(d). Agencies using this acquisition method submit an IT “order” to DIS, which then either conducts the procurement as a broker or uses an already-established Corporate Agreement to fulfill the “order.” Agencies that use this method must obtain necessary acquisition approvals but need not conduct their own competitive solicitations. DIS is responsible for conducting the acquisition according to applicable laws and policies. This service is available to state agencies and to local governments, if their contracting regulations allow and if they have executed a Customer Service Agreement with DIS.

### **Interagency Transfer**

Agencies must update their portfolios after participating in an interagency transfer of over \$100,000.

### **Sole Product Determination**

Agencies may specify a brand-name product available from multiple sources if the product requirements were determined through a documented process of research and discovery, and if one or more of the following conditions applies:

- The product uniquely satisfies an agency business need.
- Documented evidence shows that the product best satisfies an agency business need.
- The product makes up the majority of the agency’s installed base.
- A law or grant funding requires a specific product.
- The product assists in recovery from a disaster.
- The acquisition is less than \$10,000.

Upon determination that a brand-name product acquisition is justified by one or more of the above conditions, the agency may then acquire the product through any of the appropriate acquisition methods detailed above. Sole Product Determination does not relieve agencies from the competitive solicitation requirements.

## ***Resolution of Complaints and Protests***

### **Complaints**

A complaint may be made before a vendor responds to a solicitation document if the vendor believes that the document unduly constrains competition or contains inadequate or improper criteria. The written complaint must be made to the issuing agency before the due date of the solicitation response. The agency solicitation process may, however, continue.

The receiving agency must immediately forward a copy of the complaint to the policy and planning unit of DIS. The receiving agency must also reply to the vendor with a proposed solution and advise DIS of its reply. If the vendor rejects the agency's proposed solution, DIS may direct modification of solicitation requirements or the schedule, direct withdrawal of the solicitation, or may take other steps that it finds appropriate. The DIS decision is final; no further administrative appeal is available.

### **Protests**

#### **Grounds For Protest**

Protests may be made after the agency conducting the acquisition has announced the apparently successful vendor and after the protesting vendor has had a debriefing conference with that agency. Protests may be made on only these grounds:

- Arithmetic errors were made in computing the score.
- The agency failed to follow procedures established in the solicitation document, the IT Investment Policy, the IT Investment Standards, or applicable state or federal laws or regulations.
- There was bias, discrimination, or conflict of interest on the part of an evaluator.

#### **Protest Process**

Protests are always initially made to the agency conducting the acquisition. The protest letter must be signed by a person authorized to bind the vendor to a contractual relationship. The agency must receive the written protest within five business days after the debriefing conference and must, in turn, immediately notify DIS of receipt of the protest. It must also postpone further steps in the acquisition process until the protest has been resolved.

If DIS is the acquiring agency, written protest must be made to DIS within five business days after the debriefing conference. DIS must postpone further steps in the acquisition



process until the protest has been resolved. DIS will conduct a review using the same procedure that other agencies use.

Individuals not involved in the protested acquisition will objectively review the written protest material submitted by the vendor and all other relevant facts known to the agency. The agency must deliver its written decision to the protesting vendor within five business days after receiving the protest, unless more time is needed. The protesting vendor will be notified if additional time is necessary.

If the protesting vendor is not satisfied with the agency's decision, it may appeal. Appeal is made to DIS unless DIS was the acquiring agency or the acquisition requires ISB approval. Appeals in the latter two situations are made to the ISB. The ISB appeal process is discussed below, after discussion of the DIS appeal process.

Written notice of appeal to DIS must be received by DIS within five business days after the vendor receives notification of the agency's decision.

In conducting its review, DIS will consider all available relevant facts. DIS will resolve the appeal in one of the following ways:

- Find that the protest lacks merit and upholding the agency's action.
- Find only technical or harmless errors in the agency's acquisition process, determining the agency to be in substantial compliance, and rejecting the protest; or
- Find merit in the protest and provide options to the agency, including:
  - Correcting errors and reevaluating all proposals;
  - Reissuing the solicitation document; or
  - Making other findings and determining other courses of action as appropriate.

DIS will issue a written decision within five business days after receipt of the notice of appeal, unless more time is needed. The protesting vendor will be notified if additional time is necessary. DIS' determination is final; no further administrative appeal is available.

If a protest arises from a DIS acquisition, the vendor must follow the same protest procedure as that used with all other agencies. After DIS as the acquiring agency has delivered its written decision to the protesting vendor, the vendor may appeal to the Chair of the ISB if it is not satisfied with DIS' decision. Written notice of appeal must be received by the Chair of the ISB within five business days after the vendor received DIS' decision. The Chair will establish procedures to resolve the appeal. The resulting decision is final; no further administrative appeal is available.

If a protest arises from an acquisition that requires ISB approval, the vendor may appeal to the Chair of the ISB if it is not satisfied with the acquiring agency's decision. Written notice of appeal must be received by the Chair of the ISB within five business days after the vendor received notification of the acquiring agency's decision. The protesting

vendor does not first appeal to DIS. The Chair of the ISB will establish procedures to resolve the appeal. The resulting decision is final; no further administrative appeal is available.

**Form and Content**

A written protest must contain the facts and arguments upon which the protest is based and must be signed by a person authorized to bind the vendor to a contractual relationship. At a minimum, this must include:

- The name of the protesting vendor, its mailing address and phone number, and the name of the individual responsible for submission of the protest.
- Information about the acquisition and the acquisition method and name of the issuing agency.
- Specific and complete statement of the agency action(s) protested.
- Specific reference to the grounds for the protest.
- Description of the relief or corrective action requested.
  - A copy of the issuing agency's written decision on the protest, for appeals to the ISB or to DIS.

***Disposal***

Agencies should develop specific internal policies and procedures that address how disposal will occur within their organizations when IT resources are no longer required. The following requirements apply to disposal:

- Agencies may dispose of IT equipment with an estimated value of \$100,000 or less without review or approval of DIS/MOST.
- For IT equipment with an estimated value of more than \$100,000, contact DIS/MOST prior to disposal. Agencies will inform other agencies that the equipment is available.
- Agencies shall estimate the value of IT resources as the higher of the market value (when available) or depreciated value. To calculate depreciated value of the equipment, use the straight-line method of depreciation and a useful life of no more than five years.
- Software will be disposed of in accordance with software license requirements, if appropriate.

Acquisition of IT-related goods and services may also require approval from authorities other than the ISB or DIS.

Office of Financial Management (OFM) approval is required for investments in financial systems that account for revenues, expenditures, receipts, disbursements, resources, and obligations. RCW 43.88.160(1).

OFM approval is also required for the acceptance of credit cards and other forms of electronic payments and fund transfers. OFM Policy 40.10, <http://www.ofm.wa.gov/policy/40.10.htm>.

State Finance Committee approval is required for lease/purchase or financing arrangements over \$10,000. Agencies must comply with provisions of RCW 39.94 regarding financing contracts.

<http://www.tre.wa.gov/government/leasePurchaseProgram.shtml>

IT-related personal services acquisitions also fall under the procurement and filing requirements of RCW 39.29, "Personal Services Contracts." Agencies should conduct these acquisitions in accordance with the requirements of OFM Policy 15.20 and file the contracts in accordance with OFM Policy 15.30. <http://www.ofm.wa.gov/policy>

The Department of General Administration, Office of State Procurement, has authority over the acquisition of supplies for continuing operations. The ISB investment Policy applies to supplies only when they are included as part of an initial IT investment.

<http://www.ga.wa.gov/Purchase/index.html>

### **Maintenance**

Technological advances and changes in the business requirements of agencies will necessitate periodic revisions to policies, standards, and guidelines. The Department of Information Services is responsible for routine maintenance of these to keep them current. Major policy changes will require the approval of the ISB.

## Appendix A – Requirement for Competitive IT Solicitations

This table lists what agencies must do to fulfill the requirements for IT competitive solicitations.

Estimated Acquisition Cost			
\$0 - \$9,999	\$10,000 - \$99,999	\$100,000 - \$249,999	\$250,000 - \$1 Million & Above
Direct buy permitted	<p>Notify prospective vendors through the state's common vendor registration and notification system (WEBS* or its successor) and respond to all that request the requirements. Agencies must provide written or verbal requirements to a minimum of 3 qualified vendors.</p> <ul style="list-style-type: none"> <li>• State requirements in writing or verbally</li> <li>• Inform bidder of protest procedure</li> <li>• Communicate changes in requirements to all bidders</li> <li>• Bidder responds in writing</li> <li>• Evaluate all proposals against requirements</li> <li>• Document evaluation process</li> <li>• Offer vendor debriefing</li> </ul> <p>*Washington's Electronic Business Solution at <a href="http://www.ga.wa.gov/Webs/index.html">http://www.ga.wa.gov/Webs/index.html</a></p>	<p>Notify prospective vendors through the state's common vendor registration and notification system (WEBS* or its successor) and respond to all that request the requirements. Agencies must provide written requirements to a minimum of 5 qualified vendors.</p> <ul style="list-style-type: none"> <li>• State requirements in writing</li> <li>• Provide protest procedures</li> <li>• Provide applicable contract terms and conditions</li> <li>• Provide changes to all bidders in writing</li> <li>• Bidder responds in writing</li> <li>• Evaluate all proposals against requirements</li> <li>• Document evaluation process</li> <li>• Offer vendor debriefing</li> </ul> <p>*Washington's Electronic Business Solution at <a href="http://www.ga.wa.gov/Webs/index.html">http://www.ga.wa.gov/Webs/index.html</a></p>	<p>Notify all prospective vendors through the state's common vendor registration and notification system (WEBS* or its successor) and provide written requirements to all that request.</p> <ul style="list-style-type: none"> <li>• State requirements in writing</li> <li>• Provide protest procedures</li> <li>• Provide applicable contract terms and conditions</li> <li>• Provide changes to all bidders in writing</li> <li>• Bidder responds in writing</li> <li>• Evaluate all proposals against requirements</li> <li>• Document evaluation process</li> <li>• Offer vendor debriefing</li> </ul> <p>*Washington's Electronic Business Solution at <a href="http://www.ga.wa.gov/Webs/index.html">http://www.ga.wa.gov/Webs/index.html</a></p>

**Appendix B – Severity and Risk Criteria and Oversight**

[Severity and Risk Matrix](#)

**Appendix C – Model Contracts, Including Required Terms and Conditions**

[Instructions for Using Model Contracts](#)

[Model Contract for Equipment](#)

[Model Contract for Software](#)

[Model Contract for Purchased Services](#)

[Model Contract for Personal Services](#)

**Appendix D – Technology Management Consultant Assignments and Agencies’  
Delegated Authority**

<http://isb.wa.gov/policies/consultantlist.aspx>

**Appendix E – Protest Appeal Procedures**

<http://isb.wa.gov/policies/213G.doc>

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 15 - KentSD\_FY8\_COMADs



Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

August 31, 2010

Judy Peterson  
KENT SCHOOL DISTRICT  
12033 SE 256TH ST  
KENT, WA 98030 6503

Re: Form 471 Application Number: 468994  
Funding Year: 2005  
Applicant's Form Identifier: Y8471.IC1  
Billed Entity Number: 145180  
FCC Registration Number: 0011817715  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Service Provider Contact Person: Valerie Maccone

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

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Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road, P.O. Box 902, Whippany, NJ 07981  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Valerie Maccone  
Dimension Data North America, Inc.

Funding Commitment Adjustment Report for  
Form 401 Application Number: 468994

Funding Request Number: 1291465  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$92,669.92  
Commitment Adjustment Amount: \$92,669.92  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$92,669.92  
Funds to be Recovered from Applicant: \$92,669.92  
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Commitment Adjustment Report for  
Form 471 Application Number: 468994

Funding Request Number:	1291501
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143007139
Service Provider Name:	Dimension Data North America, Inc.
Contract Number:	#K97-MST-012
Billing Account Number:	1012581 Vendor No.
Site Identifier:	145180
Original Funding Commitment:	\$128,504.88
Commitment Adjustment Amount:	\$128,504.88
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$128,504.88
Funds to be Recovered from Applicant:	\$128,504.88
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Request Number: 1291530  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$99,536.79  
Commitment Adjustment Amount: \$99,536.79  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date \$99,536.79  
Funds to be Recovered from Applicant: \$99,536.79

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

**Funding Commitment Adjustment Report for  
Form 471 Application Number: 468994**

Funding Request Number:	1291555
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143007139
Service Provider Name:	Dimension Data North America, Inc.
Contract Number:	#K97-MST-012
Billing Account Number:	1012581 Vendor No.
Site Identifier:	145180
Original Funding Commitment:	\$260,503.63
Commitment Adjustment Amount:	\$260,503.63
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$260,503.63
Funds to be Recovered from Applicant:	\$260,503.63
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was determined that the funds were disbursed in excess of products and/or services actually delivered to the applicant. Specifically, the service provider invoiced USAC in excess of the amount billed and services provided to the applicant. FCC rules authorize USAC to disburse funds to service providers for providing supported services to eligible entities. These rules are violated if the service provider invoices USAC and receives payment for services and/or products in excess of what it delivered to the eligible entity. Since the services were invoiced via a SPI, this violation was caused by an act or omission of the service provider because the service provider is responsible for ensuring that it only receives support for services and/or products that it actually provides to its customers. Accordingly, USAC will seek recovery of the \$6,103.00 of improperly disbursed funds from the service provider.

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was determined that the equipment for which you requested discounts in your funding request has not been utilized in accordance with program rules. FCC rules require that applicants have secured all the necessary resources to make effective use of the equipment and that the equipment is utilized for an educational purpose. During the course of the audit it was determined that the applicant purchased 40 GBICs and only installed 15 of the units. Since a review has revealed that equipment has not been utilized according to program rules, USAC must seek recovery



Funding Request Number:	1291575
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143007139
Service Provider Name:	Dimension Data North America, Inc.
Contract Number:	#K97-MS-012
Billing Account Number:	1012531 Vendor No.
Site Identifier:	145180
Original Funding Commitment:	\$80,058.30
Commitment Adjustment Amount:	\$80,058.30
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$80,058.30
Funds to be Recovered from Applicant:	\$80,058.30
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. ~~The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request.~~ FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Request Number: 1291598  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 43007139  
Service Provider Name: Dimension: Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$97,821.64  
Commitment Adjustment Amount: \$97,821.64  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date: \$97,821.64  
Funds to be Recovered from Applicant: \$97,821.64  
Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Request Number:	1291616
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143007139
Service Provider Name:	Dimension Data North America, Inc.
Contract Number:	#K97-MST-012
Billing Account Number:	1012581 Vendor No.
Site Identifier:	145180
Original Funding Commitment:	\$108,517.64
Commitment Adjustment Amount:	\$108,517.64
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$108,517.64
Funds to be Recovered from Applicant:	\$108,517.64
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Request Number: 1291634  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$78,550.05  
Commitment Adjustment Amount: \$78,550.05  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date \$78,550.05  
Funds to be Recovered from Applicant: \$78,550.05

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Request Number:	1291654
Services Ordered:	INTERNAL CONNECTIONS
SPIN:	143007139
Service Provider Name:	Dimension Data North America, Inc.
Contract Number:	#K97-MST-012
Billing Account Number:	1012581 Vendor No.
Site Identifier:	145180
Original Funding Commitment:	\$96,638.78
Commitment Adjustment Amount:	\$96,638.78
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$96,638.78
Funds to be Recovered from Applicant:	\$96,638.78
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Funding Commitment Adjustment Report for  
Form 471 Application Number: 468994

Funding Request Number: 1291675  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$119,680.12  
Commitment Adjustment Amount: \$119,680.12  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date \$119,680.12  
Funds to be Recovered from Applicant: \$119,680.12

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

Additionally, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was determined that the equipment for which you requested discounts in your funding request has not been utilized in accordance with program rules. FCC rules require that applicants have secured all the necessary resources to make effective use of the equipment and that the equipment is utilized for an educational purpose. During the course of the audit it was determined that the applicant purchased 15 GBICs and only installed 5 of the units. Since a review has revealed that equipment has not be utilized according to program rules, USAC must seek recovery of all funds improperly disbursed that are associated with the equipment not being utilized. Accordingly, USAC is seeking recovery of \$1,190.00 which was improperly disbursed. These funds have been included in the full rescission above.

Funding Request Number: 1291695  
Services Ordered: INTERNAL CONNECTIONS  
SPIN: 143007139  
Service Provider Name: Dimension Data North America, Inc.  
Contract Number: #K97-MST-012  
Billing Account Number: 1012581 Vendor No.  
Site Identifier: 145180  
Original Funding Commitment: \$83,154.68  
Commitment Adjustment Amount: \$83,154.68  
Adjusted Funding Commitment: \$0.00  
Funds Disbursed to Date \$83,154.68  
Funds to be Recovered from Applicant: \$83,154.68

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.



Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 16 - KentSD\_FYs8-10\_\_Appeal-Ltr\_11-1-10



# Kent School District

12033 SE 256th St  
Kent, WA 98030-6503

November 1, 2010

## Letter of Appeal

Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

**Re:** Appeal of Commitment Adjustment Letters – Funding Years 2005-06, 2006-07, and 2007-08, Issued on August 31, 2010

### Authorized person who can best discuss this Appeal with you

Richard Larson  
eRate 360 Solutions, LLC  
322 Route 46W, Suite 130E  
Parsippany, NJ 07054

Phone: (888) 535-7771 ext 102  
Fax: (866) 569-3019  
Email: [rlarson@erate360.com](mailto:rlarson@erate360.com)  
(preferred mode of contact)

### Application Information

Entity Kent School District  
Billed Entity Number 145180

Form 471 Numbers	FRNs	SPIN	Service Provider Name	Commitment Request	Funds to be Recovered
<b>Funding Year 2005-06:</b>					
468994 <sup>1</sup>	1291465	143007139	Dimension Data No. America	\$105,522.51	\$92,669.92
468994	1291501	143007139	Dimension Data No. America	\$141,953.22	\$128,504.88
468994	1291530	143007139	Dimension Data No. America	\$111,960.10	\$99,536.79
468994	1291555	143007139	Dimension Data No. America	\$305,903.04	\$260,503.63
468994	1291575	143007139	Dimension Data No. America	\$92,132.99	\$80,058.30
468994	1291598	143007139	Dimension Data No. America	\$109,221.68	\$97,821.64
468994	1291616	143007139	Dimension Data No. America	\$120,878.67	\$108,517.64
468994	1291634	143007139	Dimension Data No. America	\$91,862.67	\$78,550.05
468994	1291654	143007139	Dimension Data No. America	\$108,984.59	\$96,638.78
468994	1291675	143007139	Dimension Data No. America	\$139,885.89	\$119,680.12
468994	1291695	143007139	Dimension Data No. America	\$95,856.96	\$83,154.68
<b>Subtotals re "Price not primary factor"</b>				<b>\$1,424,162.32</b>	<b>\$1,245,636.43</b>

<sup>1</sup> FCC Form 471 # 468994 for funding year 7/1/2005 – 6/30/2006, posted and certified by Kent School District (Kent SD) on 2/16/2005.

Form 471 Numbers	FRNs	SPIN	Service Provider Name	Commitment Request	Funds to be Recovered
<u>Funding Year 2006-07:</u>					
519025 <sup>2</sup>	1427894	143015282	King County Instit'l. Network	\$99,876.00	\$69,592.52
<u>Funding Year 2007-08:</u>					
576174 <sup>3</sup>	1593376	143015282	King County Instit'l. Network	\$86,376.00	\$73,236.60
<b>Subtotals re "28-day Violation"</b>				<b>\$186,252.00</b>	<b>\$142,829.12</b>

Documents Being Appealed re "Price not primary factor": Commitment Adjustment Letters for Funding Year 2005-06, Issued on August 31, 2010<sup>4</sup>

Funds to be Recovered from Applicant: See "Funds to be Recovered" column of table above for all 11 FY 2005-06 FRNs.

Explanation for Funding Denial: During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. The audit review and applicant comments have shown that the service provider selected had supplied and installed free wireless equipment 2 weeks prior to vendor selection for this funding request.

Documents Being Appealed re "28-day Violation": Commitment Adjustment Letters for Funding Year 2006-07 and Funding Year 2007-08, Issued on August 31, 2010<sup>5</sup>

Funds to be Recovered from Applicant: See "Funds to be Recovered" column of table above for FRNs 1427894 (FY 2006-07) and 1593376 (FY 2007-08).

Explanation for Funding Denial: During the course of an audit it was determined that the applicant entered into an agreement with the service provider prior to the expiration of 28-day posting period.

### **Appeals:**

**Funding Year 2005-06 re "Price not primary factor":** Kent School District (Kent SD) requests that the Schools and Libraries Division (SLD) reverse its decision to recover \$1,245,636.43 of funds disbursed to Kent SD for the eleven FRNs in Form 471 # 468994, listed above. Kent SD emphatically:

- insists that its four staff members followed E-rate procedures in evaluating bids and selecting the service provider, to include using price as the primary factor in the vendor selection process
- denies the implication that those four staff members were swayed in any way by the donation from the selected service provider, Avnet Enterprise Solutions, (three of the four staffers were unaware at the time of the donation), and

<sup>2</sup> FCC Form 471 # 519025 for funding year 7/1/2006 – 6/30/2007, posted and certified by Kent School District (Kent SD) on 2/10/2006.

<sup>3</sup> FCC Form 471 # 576174 for funding year 7/1/2007 – 6/30/2008, posted and certified by Kent School District (Kent SD) on 2/6/2007.

<sup>4</sup> Eleven letters from Schools and Libraries Division, USAC, to Judy Peterson, Kent School District, dated August 31, 2010, entitled "Notice of Commitment Adjustment Letter," ref Form 471 Application # 468994, FY 2005.

<sup>5</sup> Two letters from Schools and Libraries Division, USAC, to Judy Peterson, Kent School District, dated August 31, 2010, entitled "Notice of Commitment Adjustment Letter," ref Form 471 Application # 519025, FY 2006, and Form 471 Application # 576174, FY 2007.

- affirms that it followed Washington State procurement guidelines in selecting the replacement service provider, Dimension Data, when Avnet Enterprise Solutions (Avnet) could not be contacted following its acquisition by another company and was no longer able to satisfy Kent SD's selection criteria.

**Funding Year 2005-06 re "28-day Violation":** Kent School District (Kent SD) requests that the Schools and Libraries Division (SLD) reverse its decision to recover \$142,829.12 of funds disbursed to Kent SD for FRN 1427894 (Form 471 # 519025) and FRN 1593376 (Form 471 # 576174). Kent SD maintains that:

- the agreement with Kings County was not in effect for funding year 2006-07, since the contract was not signed until nearly six months after the start of the funding year. Service was provided by the service provider on a month-to-month basis, as indicated on the FRN.
- the agreement with Kings County signed December 19, 2006, was in effect for funding year 2007-08. The FRN contained errors as submitted, and should have been modified to reference Kent SD's FY 2007-07 Form 470 # 768180000563359 which was used to obtain the contract.

**Funding Year 2005-06 re "Price not primary factor":**

**Bid evaluation and vendor selection process:**

On January 19, 2005, the four-person team met to select a service provider for Kent SD's Local Area Network (LAN) Networking Equipment project. The team consisted of Thuan Nguyen (Project and Operations Manager), Judy Peterson (Telecom Specialist), James Keele (Network Engineer), and Aaron Hanson (Network Engineer). The team's task was to evaluate the three bids<sup>6</sup> received in response to Kent SD's Form 470 # 831520000525658 filed on December 21, 2004 (Allowable Contract Date: January 18, 2005).

At the meeting, the team members opened, evaluated, and individually scored the three bids based upon six criteria:

- 30 points: Purchase Price
- 20 points: Vendor on State Contract for Cisco Equipment
- 20 points: Vendor's past relationship with the applicant
- 10 points: Vendor reputation and years in Network business
- 10 points: Quality of the Project Management offered by the vendor
- 10 points: Vendor's certifications and knowledge of advanced technologies

Each member of the team has provided a sworn statement<sup>7</sup> regarding their role in this process and preparation on that day of a Bid Evaluation Weighting Matrix. Avnet was the clear choice of all four members of the team, and was subsequently awarded the contract for the LAN Networking Equipment project.

The process followed by Kent SD's vendor selection team was clearly in accord with the process presented on the SLD web site,<sup>8</sup> to include the vital provision that "Price must be the primary factor."

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<sup>6</sup> Bid documents from Avnet, Ednetics, and Westel Consulting used in the selection meeting of 1/19/05. *Note: The document from Westel Consulting bears the date of 2/14/2005, the day it was printed out for Kent SD's paper archival file. The team members accessed a Microsoft Word document which had a "current date" function in its footnote that automatically reflects the current date.*

<sup>7</sup> Notarized affidavits and Bid Evaluation Weighting Matrices from James Keele, Aaron Hanson, Judy Peterson, and Thuan Nguyen, the four members of the Kent SD evaluation team for the LAN Network Equipment project.

<sup>8</sup> Web page from SLD site: *Step 4: Select the Most Cost-Effective Service Provider*

Kent SD notes that the prices quoted by Avnet were in accord with then-existing Washington State Department of Information Services (DIS) Master Contract K97-MST-012 for Cisco Intranet Routers and Server Switches, and included Avnet as an approved vendor.<sup>9</sup> The contract number cited in Item 15b of each FRN is K97-MST-012. This contract was extended on August 12, 2005, under DIS' Master Contract T06-MST-001, which initially included Avnet as an approved vendor.<sup>10</sup>

### **Donation of testing equipment by Avnet Enterprise Solutions:**

Avnet was engaged with Kent SD in a project involving equipment purchase and installation involving several of Kent SD's facilities. In December 2004 – January 2005, Kent SD technical staff was uncertain of what solution would serve them best in establishing wireless links at a number of their schools. In that timeframe, Avnet approached Kent SD's IT Executive Director, Don Hall, proposing to donate equipment for Kent SD to install and conduct live tests to determine viability of one possible solution. This donation, valued at \$42,000, was accepted by the Kent SD Board of Directors on January 26, 2005.<sup>11</sup> Knowledge of this donation was kept confidential until the Board meeting.

The equipment was accepted by Kent SD only because it would provide an opportunity to test a particular solution on about 7% (57) of the required 800 wireless access points. By the summer of 2005, Kent SD determined that this solution was not optimal, de-installed the equipment, and went with a different solution.

Kent SD respectfully submits that the donation of testing equipment does not warrant SLD's recovery off funds for the following reasons:

- Avnet made this donation in connection with a pre-existing technical infrastructure project, with no connection to the bidding and vendor selection processes for the new LAN Networking Equipment project.
- The equipment was accepted by Kent SD only because it would provide an opportunity for a limited test of a particular wireless solution. The testing equipment was replaced only a few months after the installation.
- The donation was not accepted by the Kent SD Board of Directors until one week after the selection team had decided to award the funding year 2005-06 contract for the LAN Networking Equipment project. Minutes of this meeting were not published until early February, approximately two weeks after the meeting.
- No one on the selection team was involved with the donation acceptance process.
- Only one selection team member, Thuan Nguyen, was aware of the donation at the time of the selection meeting on January 19<sup>th</sup>. Mr. Nguyen was advised of the donation only incidentally to his invitation to the Board meeting, where he and his supervisor, Tom Metcalf, were to be recognized and thanked for their hard work on the district's infrastructure projects.
- There were no conditions or stipulations made by Avnet as to Kent SD's use of the testing equipment; the decision as to which schools the equipment would be installed was not made until after the donation was accepted by the Board.

Kent SD believes it acted in accord with USAC guidelines regarding donations. There were no stipulations as to use of the donated testing equipment, no contact was made by Avnet with any member of the selection team prior to the January 19<sup>th</sup> meeting, and upper management at Kent SD ensured that the team would not be influenced by knowledge of

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<sup>9</sup> DIS Contract Number K97-MST-012 for Intranet Routers and Switches, Amendments updating approved subcontractors; see p.7, Amendment Number 02-14.

<sup>10</sup> DIS Contract Number T06-MST-001 for Cisco Products and Services, Amendments updating approved subcontractors in 2006.

<sup>11</sup> Minutes of meeting of Board of Directors of Kent School District No. 415 on January 26, 2005, pgs. 1 and 3.

Avnet's donation of testing equipment. In short, the bid evaluation and vendor selection process was untainted and unaffected by the Avnet donation.

Ultimately, selection of Avnet was negated by subsequent developments prior to approval of the LAN Networking Equipment project FRNs.

### **Change of service provider to Dimension Data:**

In late November of 2005, Avnet Enterprise Solutions' parent company merged that operation with Calence LLC.<sup>12</sup> Subsequently, Kent SD staff was unable to contact Avnet representatives regarding the project and Avnet's new business situation.

As of that time, funding for Kent SD's LAN Networking Equipment project FRNs had not been approved, and would not be approved for almost another year, on January 17, 2007.

As discussed above, Kent SD considered contracting with a service provider who would meet their second selection criterion: "*Vendor on State Contract for Cisco Equipment*" to be important, second only to price/cost effectiveness. Realizing that they would need a new service provider to replace Avnet, Kent SD's considered its options:

- Neither of the other two original bidders was acceptable:
  - Westel's bid was based on use of refurbished equipment, not new equipment. This presented an unacceptable level of risk to Kent SD's technical staff.
  - Ednetic's bid was priced higher than Avnet's, and was not cost effective.
- The services provided by the original contract, K97-MST-012, were renewed by DIS under Master Contract number T06-MST-001, and presented a cost effective solution from vendors already approved by the state of Washington.

Kent SD decided to select a service provider from the list for T06-MST-001. The SLD web site's limited guidance regarding state master contract issues refers applicants to their state as the determining authority.<sup>13</sup> Because SLD's instructions on Forms 470, 471, and its web site do not have clear instructions on how to select a service provider from a state master contract list of approved vendors (confirmed by SLD's Client Service Bureau<sup>14</sup>), Kent SD relied upon Washington State guidelines provided by DIS in its "Information Technology Investment Standards," Policy No. 201-S3. This document permits Kent SD, by virtue of its Interlocal Cooperative Agreement with the State, to "*acquire IT resources without having to conduct its own competitive solicitation.*"<sup>15</sup>

On this authority, Kent SD selected an approved vendor from the SMC list,<sup>16</sup> Dimension Data, after first confirming that Dimension Data would abide by the costs which set in the Avnet contract.

Less than two weeks after SLD's approval of funding of the FRNs, on January 29, 2007, Kent SD applied for an operational SPIN change for all eleven FRNs, which SLD subsequently approved.

<sup>12</sup> Report from CRN.com: "Avnet Strikes Another Deal, Forms New Company With Calence" dated November 30, 2005.

<sup>13</sup> Web page from SLD site: *Step 4: Contract Guidance*

<sup>14</sup> Case # 22-119539, October 15, 2010. In a phone conversation with Richard Larson, consultant for Kent SD, SLD CSB agents stated that there were no instructions in the SLD web site, forms, or any other E-rate source instructing applicants how to select from among multiple eligible vendors listed on a state master contract, and could only provide suggestions as how such a selection should be carried out.

<sup>15</sup> Information Technology Investment Standards, prepared by the Washington State Department of Information Services (DIS), Policy No: 201-S3, effective date: December 2000, pgs. 6 and 7.

<sup>16</sup> DIS Contract Number T06-MST-001 for Cisco Products and Services, Amendments updating approved subcontractors in 2006.

Kent SD followed SLD procedures where available, and followed Washington State procedures where SLD guidance was unavailable. In every step, Kent SD kept price and cost effectiveness as its primary objective in deciding first to select Avnet and later to select Dimension Data as its service provider for the LAN Networking Equipment project.

**DIS Master Contracts were bid using the E-rated Form 470 process:**

Both the original DIS Master Contract, K97-MST-012, and the follow-up contract, T06-MST-001, were bid through Form 470 process:

- K97-MST-012 was bid using FY 1999-2000 Form 470 # 598000000266191.
- T06-MST-001 was bid using FY 2005-06 Form 470 # 184630000541506.

Kent SD was unaware of the existence of Form 470 # 598000000266191 when they filed their Form 471 # 468994; however, it is clear from the number 2 criterion on their vendor evaluation matrix (*Vendor on State Contract for Cisco Equipment*) that they valued acceptance of a vendor by DIS very highly. We urge USAC to consider that knowledge of this overlooked option would have permitted Kent SD to select directly from the state-approved list of vendors, following the previously discussed selection process as stated by DIS, and cite the DIS Form 470 # 598000000266191 as the establishing 470 for all eleven FRNs in Form 471 # 468994.

**Funding Year 2005-06 re "28-day Violation":**

**FRN 1427894, FY 2006-07:** The contract with Kings County Institutional Network was not in effect for funding year 2006-07 because of the late Kent SD signature date of 12/19/2006.<sup>17</sup> Item 5, "Term of Contract," specifies that the contract "*is effective upon execution by both Parties*"; as a result, service for FY 2006-07 was on a month-to-month basis, a carry-over of the service relationship from previous years. As a result, we request USAC restore FRN 1427894 to the original version as a month-to month service for FY 2006-07 and restore all \$69,592.52 of funding.

**FRN 1593376, FY 2007-08:** Kent SD respectfully points out that its error in submitting this FRN as a month-to month service was compounded by SLD's failure to recognize that this contract was properly bid under the FY 2006-07 Form 470 # 768180000563359,<sup>18</sup> and as such, this is the establishing Form 470 for this contract for FRN 1593376. On this basis, we ask USAC to:

- change Item 12 to 768180000563359
- change Item 15a to "NO"
- change Item 15b to ""
- change Item 17 to "1/11/2006"
- change Item 18 to "12/16/2006"
- delete Item 19b
- change Item 20 to "12/31/2009"

Based on these corrections to FRN 1593376, we request restoration of all \$73,236.60 of funding.

**Conclusion:**

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<sup>17</sup> Contract between King County, WA, and Kent School District for Institutional Network Services, prepared 2/27/06 and dated 12/16/06 by Kent School District. *Note: Contract attachments relating to services have been excluded to reduce file size for transmittal of this appeal. They can be provided if required.*

<sup>18</sup> FCC Form 470 # 768180000563359 for funding year 7/1/2006 – 6/30/2007, posted on 12/14/2005 and certified on 12/19/2005 by Kent SD.



**Funding Year 2005-06 re "Price not primary factor":** Kent SD requests that the SLD reverse its decision to recover \$1,245,636.43 of funds disbursed to Kent SD for the eleven FRNs in Form 471 # 468994, listed above. Kent SD believes it has clearly established:

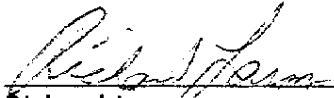
- that its four staff members followed E-rate procedures in evaluating bids and selecting the service provider, to include using price as the primary factor in the vendor selection process.
- that those four staff members were not swayed in any way by the donation of testing equipment from the selected service provider, Avnet Enterprise Solutions; three of the four staffers were unaware of the donation at the time of the selection meeting.
- that it followed Washington State procurement guidelines in selecting the replacement service provider, Dimension Data, when Avnet Enterprise Solutions (Avnet) could not be contacted following its acquisition by another company and was no longer able to satisfy Kent SD's selection criteria.

**Funding Year 2005-06 re "28-day Violation":** Kent SD requests that the SLD reverse its decision to recover \$142,829.12 of funds disbursed to Kent SD for FRN 1427894 (Form 471 # 519025) and FRN 1593376 (Form 471 # 576174). Kent SD maintains that:

- for funding year 2006-07, service was provided on a month-to-month basis, as indicated on the FRN.
- for funding year 2007-08, the FRN contained ministerial errors as submitted, and should have been modified to reference Kent SD's FY 2006-07 Form 470 # 76818000056335.

Kent SD appreciates the SLD's consideration of its appeal. We are available to respond to questions or to provide any further information requested by the SLD.

**Authorized signature for this Appeal<sup>19</sup>**



Richard Larson  
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Fax: (866) 569-3019  
Email: [rlarson@erate360.com](mailto:rlarson@erate360.com)

Date: 11/1/10

<sup>19</sup> "Letter of Agency" from Charles W. Lind, General Counsel for Kent SD, authorizing employees of eRate 360 Solutions, LLC, to perform e-rate services on behalf of Kent SD.

Kent School District

BEN 145180

471 # 468994

FRNs 1291465, 1291501, 1291530, 1291555, 1291575, 1291598,  
1291616, 1291634, 1291654, 1291675, and 1291695

Letter of Appeal

Federal Communications Commission

April 1, 2011

NOTE 17 - KentSD\_FY8\_E360-LOA

## Letter of Agency

**Kent School District**  
**Billed Entity Number: 145180**

### Letter of Agency For FY 8 (2005 - 2006)

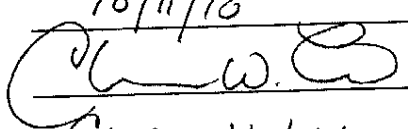
I hereby authorize eRate 360 Solutions, LLC and its employees: Keith C. Oakley, Steve Tenzer, Rich Larson, Carlos Alvarez, Matt Hetman, Fred Josephs, and Bert Garofano, to submit FCC Form 470, FCC Form 471, and other E-rate forms, and to submit various change applications such as SPIN changes and service substitutions, to the Schools and Library Division of the Universal Service Administrative Company on behalf of **Kent School District** for all eligible services outlined in the most current "Eligible Services List" published by USAC. I understand that, in submitting these forms on our behalf, you are making certifications for **Kent School District**. By signing this Letter of Agency, I make the following certifications

- (a) I certify that **schools in our district** are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our **school district** has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our **school district** is covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s):
  - ☐ an individual technology plan for using the services requested in this application; and/or
  - ☒ higher-level technology plan(s) for using the services requested in this application; or
  - ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our **school district** has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to **eRate 360 Solutions, LLC** for E-rate submission is true.

District: Kent School District

Date: 10/11/10

Signature: 

Printed Name: CHARLES W. LIND

Title: General Counsel